United Nations S/2001/1201

Security Council

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# Letter dated 13 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Lebanon, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman of the Counter-Terrorism Committee

01-69680 (E) 181201 181201

## Annex

### Note verbale dated 13 December 2001 from the Permanent Representative of Lebanon to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

[Original: Arabic]

The Permanent Mission of Lebanon to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1373 (2001) of 28 September 2001 concerning counter-terrorism (Counter-Terrorism Committee) and has the honour to submit to it herein the report requested in paragraph 6 of the same resolution, in accordance with the Committee's note of 29 [i.e. 26] October 2001 (SCA/20/01(6)).

In submitting this report to the Committee, the Mission is anxious to affirm at the outset the principles and premises set forth hereunder.

1. Lebanon reaffirms its condemnation of terrorism in all its forms and its fixed commitment to international legitimacy and to the implementation of the terms of Security Council resolution 1373 (2001). It further reaffirms its readiness to cooperate with the United Nations in the suppression of international terrorism in accordance with the norms of international law and the established principles of national sovereignty, first and foremost the distinction between terrorism and resistance to foreign occupation, and its commitment to strive constantly to promote the principles of right and justice.

2. In the preparation of the present report Lebanon has based itself on the distinction, as made in United Nations General Assembly resolution 46/51 of 19 January 1991 and in the 1998 Arab Convention for the Suppression of Terrorism, between terrorism on the one hand and the legitimate right of peoples to resist foreign occupation on the other, as well as on the international conventions relating to terrorism to which Lebanon has acceded and on the provisions of Security Council resolution 1333 (2000) of 19 December 2000.

On the basis of the foregoing and in accordance with the concepts mentioned, Lebanon addresses to the Committee its answers to [the questions corresponding to the relevant] operative paragraphs [of resolution 1373 (2001)].

**Question 1 (a): What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to [the] questions on 1 (b) to (d)?**

Such measures are included among the general measures adopted to combat money-laundering, as can be seen in Law No. 318 of 20 April 2001 and in decision of the Governor of the Bank of Lebanon No. 7818 of 18 May 2001, whether they relate to banks and financial institutions, to the requirement to monitor certain transactions or to the elaboration of means to combat money-laundering activities, including activities for the financing of terrorism.

Under Law No. 318, a special board of inquiry was formed with the task of conducting inquiries into transactions suspected of constituting money-laundering

offences, including those involving the illegal proceeds of crimes, such as racketeering, that are internationally regarded as constituting organized crime, and the terrorist crimes stipulated in articles 314 to 316 of the Lebanese Penal Code.

On the basis of this law, the special board of inquiry has sought information from banks concerning any accounts held with them that belong to persons and entities included in the lists issued by the Security Council with a view to freezing or confiscating them. No accounts belonging to persons or entities included in the lists have been found.

**Question 1 (b): What are the offences and penalties in your country with respect to the activities listed in this subparagraph?**

Penalties for terrorist offences are provided by articles 314 to 316 of the Lebanese Penal Code. Articles 217 to 222 of the Code penalize anyone who incites, participates in or is an accessory to the commission of crimes, including terrorism. Lebanese jurisprudence regards the person who finances a crime as an accessory to it, and the penalty for the accessory is the same as for the perpetrator when it is evident that without his assistance the crime would not have been committed.

This rule is applied whether an act of terrorism is financed within or by way of Lebanese territory (such as bank financing through a bank in Lebanon). It is sufficient for this purpose for one of the elements of a crime of terrorism or attempted terrorism to be committed in Lebanese territory, or for a constitutive act of primary or secondary implication to occur there, or for its outcome to occur or be expected to occur there. It makes no difference whether the person providing funding is Lebanese or not (Penal Code, article 15).

The same provisions apply to Lebanese nationals who finance terrorist operations from abroad, even if the acts are committed outside Lebanese territory (Penal Code, article 20).

They also apply to all foreigners or stateless persons residing or present in Lebanon who finance terrorist activities abroad if extradition is not requested or not granted.

It should be noted that by Law No. 57/99 the Lebanese Government acceded to the Arab Convention for the Suppression of Terrorism. Under the Convention, the States parties undertake to suppress terrorist crimes in accordance with their domestic laws and internal measures and to prevent the financing of terrorist elements (article 3).

**Question 1 (c): What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.**

Law No. 318 of 20 April 2001, which relates to the suppression of money-laundering, establishes an independent special board of inquiry that has a judicial character and may have banking secrecy waived with respect to accounts held with banks and financial assets with financial institutions if those holding them commit offences punishable under the same Law (including terrorist activities) and the funds in question may thus be frozen or confiscated (Penal Code, article 98; and Law No. 318/2001, article 14). The board may ask the Office of the Special Public Prosecutor to prosecute those responsible for committing such acts in the criminal courts.

**Question 1 (d): What measures exist to prohibit the activities listed in this subparagraph?**

On 15 May 2001, the Bank of Lebanon issued its decision No. 7818, on a system to monitor financial and banking operations in order to combat money-laundering. It establishes binding rules with which banks and financial institutions operating in Lebanon are required to comply in order to prevent money-laundering activities arising out of the offences stipulated in the aforesaid Law No. 318/2001, including, of course, crimes of terrorism. A staff of auditors and investigators has been provided to the special board of inquiry as well as a special administrative unit, and advocacy and information campaigns are being conducted among the public.

**Question 2 (a): What legislation or other measures are in place to give effect to this subparagraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?**

Lebanese laws, specifically article 314 of the Penal Code, the Arms and Ammunition Law (No. 137/59) and Law No. 318/2001, stipulate that anyone suspected of a punishable offence in the terrorism field or of illegal possession of arms and ammunition must be investigated, arrested and prosecuted. Penalties are applied whenever persons involved in terrorist activities commit acts that constitute terrorist offences as understood by Lebanese law, and the security agencies are authorized to assist the Office of the Public Prosecutor in preventing terrorist activities and thwarting the elaboration of schemes against the security and safety of the international community and local society.

**Question 2 (b): What other steps are being taken to prevent the commission of terrorist acts and, in particular, what early-warning mechanisms exist to allow exchange of information with other States?**

There is ongoing and direct coordination between the security services of the Ministry of the Interior and the security attachés accredited to Lebanon in the various embassies of other States. The exchange of information on terrorist activities was thus under way before 11 September 2001, and such cooperation still exists between Lebanese security agencies, especially the Interpol Division in the Office of the Director-General of the Internal Security Forces, and their counterparts in other States.

**Question 2 (c): What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this subparagraph? It would be helpful if States supplied examples of any relevant action taken.**

The law promulgated on 10 July 1962 stipulates that entry to, residence in and departure from Lebanon will be regulated in such a way as to prevent entry unless a person is provided with the documents and visas required by law.

In accordance with the Code of Criminal Procedure, all security agencies are required to conduct the investigations necessary for the arrest of suspects against whom domestic or international arrest warrants or search and inquiry orders relating to terrorist or other offences have been issued.

Such persons are arrested in Lebanese territory or on attempting to enter or leave it by way of the posts maintained by General Security, and they are remanded to the relevant jurisdiction.

The provisions of the Criminal Code with respect to the punishment of the concealment of offenders against whom judicial orders or verdicts have been issued are applied to terrorist offenders, and the laws relating to aliens allow the Office of the Director of General Security to deport them from Lebanese territory.

The extradition of aliens charged with an offence regarded as a terrorist offence under Lebanese law may be requested in accordance with the terms for extradition laid down in the Penal Code and in keeping with the bilateral agreements, if any, on the extradition of offenders. Such persons may also be deported by administrative action of the Office of the Director of General Security.

If they have committed a terrorist crime in Lebanese territory they are tried by the Lebanese courts and must be expelled from the country after serving or discharging the penalty imposed.

In general, Lebanon does not provide a safe haven for those who finance, direct, support or commit acts of terrorism, especially those stipulated in Security Council resolution 1333 (2000), and it does not permit them to enter its territory.

**Question 2 (d): What legislation or procedures exist to prevent terrorists acting from your territory against other States or citizens? It would be helpful if States supplied examples of any relevant action taken.**

Lebanese laws require the investigation and arrest of any fugitive charged with or convicted of an offence punishable under Lebanese legislation or under the provisions of the international conventions to which the Lebanese State has acceded and which have come to have the force of law. The Lebanese State is committed to applying the provisions of the protocols and conventions in the domain of the suppression of terrorism to which it has acceded to date. The Arab Convention for the Suppression of Terrorism, to which Lebanon has acceded and which has been considered as the law since its entry into force, stipulates explicitly in its article 3 (i) that all the States parties undertake to prevent the use of their territory for the planning, organization or commission of terrorist offences and to prohibit terrorist elements from residing in their territory.

**Question 2 (e): What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.**

Lebanese legislative enactments impose penalties for terrorism that can include the death penalty. The law promulgated on 11 January 1958 imposes for every terrorist act a penalty of hard labour for life, and the penalty becomes death if the terrorist act causes the death of a person, or the partial or total destruction of a building in which a person is present, or the destruction, even the partial destruction, of a public building, industrial establishment, ship or other installation, or the disruption of information, communications or transport.

Examples of the suppression of terrorist acts include Lebanon's past experience of a bloody clash with members of the Ansar group in northern Lebanon

in early 2000 in which most of the members of the organization were arrested. They are currently being tried before the Judicial Council.

Many States have asked to be kept informed of the course of the investigations and proceedings, including the United States of America at the time, and their officials have been notified of the details.

**Question 2 (f): What procedures and mechanisms are in place to assist other States? Please provide any available details of how these have been used in practice.**

Under the supervision of the relevant jurisdiction, namely the Special Public Prosecutor, the services of the Judicial Police have mobilized all of their resources in order to give the requesting State all the information or data available to them on persons suspected of committing terrorist acts. They undertake the investigations necessary to obtain the information required in all fields (concerning travel documents, means of communication, movements, criminal records, etc.). It should be said that after the events of 11 September 2001 the central criminal research services and the international (Interpol) liaison division provided all those who submitted requests in many countries with the information requested in accordance with the letters addressed to them by Interpol divisions in those countries or by their diplomatic missions.

The Bank of Lebanon has also cooperated with the authorities in various foreign countries for the suppression of money-laundering, including the laundering of proceeds of terrorist crimes.

**Question 2 (g): How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc.?**

The response to this question is similar to that given under 2 (c) above. The border control authorities, especially General Security, have to date dealt with many cases of forgery of other countries' passports. There are many examples of how action is taken in this matter. General Security arrests the bearer of a false passport and hands him over to the courts, and contact is made with the embassy of the country whose passport has been forged in order to inform it of the documents found and of the investigations under way in their regard.

**Question 3 (a): What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this subparagraph?**

The terms of this subparagraph have been implemented in accordance with the provisions of the Lebanese laws mentioned above with the direct coordination of security officials in Lebanon and the security attachés at the embassies accredited to the country and through the Interpol Division in the Office of the Director-General of the Internal Security Forces.

**Question 3 (b): What steps have been taken to exchange information and cooperate in the areas indicated in this subparagraph?**

In accordance with international law, the exchange of information takes place through Interpol in accordance with the principles set forth in the ICPO-Interpol Constitution. Cooperation in judicial matters takes place in accordance with the provisions of national law and pursuant to the principle of reciprocity and international cooperation in meeting requests for judicial assistance and the extradition of offenders in the event there is no bilateral agreement. Where there is a bilateral agreement, then extradition takes place in accordance with the provisions of that agreement.

**Question 3 (c): What steps have been taken to cooperate in the areas indicated in this subparagraph?**

In implementation of the Arab Convention for the Suppression of Terrorism, there is ongoing cooperation between the States parties and through the secretariat of the Council of Arab Ministers of the Interior in the exchange of information, in the investigation and arrest of suspects or convicts, in the extradition of offenders, and in meeting requests for judicial assistance and cooperation with respect to all the terrorist offences addressed in the Convention.

The case is the same with regard to the 10 international conventions on terrorism to which Lebanon has acceded, the country being anxious to implement all the provisions of these conventions in the field of cooperation in combating terrorist acts.

**Question 3 (d): What are your Government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this paragraph?**

Lebanon has signed and has acceded to 10 of the 12 conventions for the suppression of terrorism adopted by the United Nations and its specialized agencies. It is now in the process of acceding to the two conventions that it did not sign at the time, namely the International Convention for the Suppression of Terrorist Bombings of 15 December 1997 and the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999.

It should be said that the international protocols and conventions to which Lebanon has acceded have come to have the force of law in the country and take precedence over the provisions of national law.

By Law No. 57 of 31 March 1999 the National Assembly authorized the Government to ratify the Arab Convention on the Suppression of Terrorism, and the provisions of this convention have come to take precedence over the application of the provisions of national law.

**Question 3 (e): Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this subparagraph.**

Lebanon is committed to implementing the conventions and protocols to which it has acceded or to which it is in the process of acceding in the knowledge that international cooperation can assist in the proper implementation of these conventions.

**Question 3 (f): What legislation, procedures and mechanisms are in place for ensuring asylum-seekers have not been involved in terrorist activity before granting refugee status? Please supply examples of any relevant cases.**

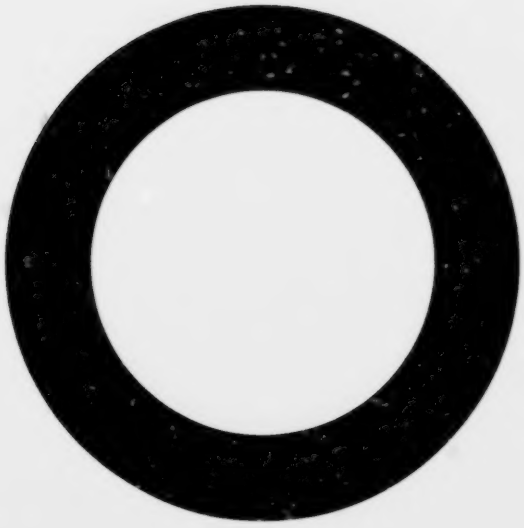
As stipulated in the Law promulgated on 10 July 1962, Lebanese laws on political asylum prohibit refugees admitted to Lebanon from engaging in any political activity whatever. Thus terrorist activities of whatever kind will cause them to forfeit their refugee status and make them subject to legal prosecution like any other resident of Lebanese territory.

The right of asylum is granted only by decision of a committee whose members represent the ministries of the interior, justice and foreign affairs, and its decision is taken by a vote to grant or deny asylum.

**Question 3 (g): What procedures are in place to prevent the abuse of refugee status by terrorists? [Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.]**

The response is similar to that given under 3 (f) above. The law mentioned there permits the extradition of a refugee in accordance with the provisions of articles 30 to 36 of the Penal Code, relating to extradition. In this case, the State that wishes to extradite a refugee must compile a judicial extradition dossier covering the legal aspects of the issue and submit it to the Lebanese judicial authorities, which are authorized to decide on the request.

The Permanent Mission of Lebanon to the United Nations takes this opportunity to convey to the Counter-Terrorism Committee the assurances of its highest consideration.



United Nations S/2001/1202

Security Council

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## Letter dated 10 December 2001 from the Secretary-General addressed to the President of the Security Council

I wish to refer to the letter dated 31 October 2001 (S/2001/1028) which the President of the Security Council addressed to me, whereby the Council welcomed my intention to respond positively to the request of the Government of Papua New Guinea for assistance from the United Nations in the implementation of the Bougainville Peace Agreement, especially in the area of weapons collection and disposal.

Following the signing of the Peace Agreement on 30 August 2001, the Government of Papua New Guinea has initiated steps to prepare the constitutional amendments called for in the Agreement. The Bougainville leaders have also worked on proposals to promote public awareness of the need for weapons collection and disposal. All parties have expressed their support for the continued efforts of the United Nations Political Office in Bougainville to facilitate the implementation of the Bougainville Peace Agreement.

It would therefore be my intention to extend the mandate of the Office for 12 months to allow it to perform the functions set forth in the Agreement. I will keep the Council regularly informed of the progress in the work of that Office.

(*Signed*) Kofi A. **Annan**

01-69824 (E) 141201 141201

United Nations

S/2001/1203

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## Letter dated 14 December 2001 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 10 December 2001 (S/2001/1202) concerning your intention to extend the mandate of the United Nations Political Office in Bougainville for 12 months has been brought to the attention of the members of the Security Council. They take note of the intention contained in your letter.

(*Signed*) Moctar **Ouane**
President of the Security Council

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Security Council

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14 December 2001
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**Letter dated 14 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council**

The Counter-Terrorism Committee has received the attached report from the Syrian Arab Republic, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman of the Counter-Terrorism Committee

01-69925 (E) 181201 181201

## Annex

[Original: English]

### Letter dated 13 December 2001 from the Permanent Representative of the Syrian Arab Republic to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

On instructions from my Government, I hereby have the honour of enclosing a report from the Syrian Arab Republic to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001).

My Government stands ready to provide the Committee with further reports or information, as necessary or if requested to do so by the Committee.

(*Signed*) Mikhail **Wehbe**
Ambassador
Permanent Representative

## Enclosure

### Note verbale dated 13 December 2001 from the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

[Original: Arabic]

The Permanent Mission of the Syrian Arab Republic to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1373 (2001) of 28 September 2001 concerning counter-terrorism (Counter-Terrorism Committee) and has the honour to submit to it herein the report requested in paragraph 6 of the same resolution, in accordance with the Committee's note of 29 [i.e. 26] October 2001 (SCA/20/01(6)). In submitting this report to the Committee, the Mission is anxious to stress at the outset the principles and norms observed in its preparation, as set forth hereunder.

1. Since Security Council resolution 1373 (2001) does not define the concept of terrorism or specify the terrorist acts and entities that must be suppressed, in the preparation of the present report Syria has based itself on its commitments as a party to the 1998 Arab Convention for the Suppression of Terrorism, which distinguishes between terrorism and legitimate struggle against foreign occupation, on the international conventions relating to terrorism to which Syria has acceded and on the provisions of Security Council resolution 1333 (2000).

2. On this basis, Syria has always condemned terrorism in all its forms, and it reaffirms its commitment to international legitimacy. It has also expressed its readiness to cooperate with the United Nations in the suppression of terrorism in accordance with the Charter of the United Nations, the norms of international law and the established principles of national sovereignty.

On the basis of the foregoing and in accordance with these concepts, Syria addresses to the Committee the information requested and its answers to the [questions corresponding to the relevant] operative paragraphs [of resolution 1373 (2001)].

**Question 1 (a): What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to [the] questions on 1 (b) to (d)?**

The banking system in Syria does not permit any non-Syrian entity to make overseas transfers through Syrian banks.

The banking system in operation permits Syrians only to finance external trade and to do so in accordance with legal banking instruments approved by the official authorities. Banks in Syria are also subject to monitoring by the Syrian Government.

The Syrian Government is currently studying a draft law for the prevention of money laundering.

**Question 1 (b): What are the offences and penalties in your country with respect to the activities listed in this subparagraph?**

Charitable and social associations operating in Syria are subject to Law No. 93 of 1958, which imposes government supervision of their activities, their accounts and their resources. The Law establishes the ways in which the funds of such associations may be disbursed for the charitable purposes for which provision is made in their statutes, it being understood that they will conduct their activities in the territory of the Syrian Arab Republic under the supervision of the Ministry of Social Affairs and Labour.

For overseas assistance or donations to such associations, prior government approval must be obtained after the legality of their source has been ascertained.

**Question 1 (c): What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.**

The answer to this question is given in our reply under items (a) and (b).

**Question 1 (d): What measures exist to prohibit the activities listed in this subparagraph?**

Article 304 of the Penal Code defines terrorist acts, and its article 305 establishes a harsh criminal penalty for those who commit such acts. In the nature of things, whoever makes funds available to perpetrators of such acts is regarded as an accessory to the crime and is penalized as such. Article 306 of the Syrian Penal Code promulgated by legislative decree No. 148 of 22 June 1949 provides that all associations established for the purpose of changing the economic or social character of the State or the basic mores of the community using one of the means listed in article 304 shall be dissolved and their members shall be sentenced to hard labour for life.

Nationals or any persons or entities in Syrian territory are thus forbidden to make available, directly or indirectly, any funds, financial assets, economic resources or financial services to persons committing terrorist acts. The Syrian Penal Code imposes on perpetrators of these terrorist offences harsh penalties that range from 10 years' imprisonment to hard labour for life. It also imposes the death penalty in the event that any such terrorist act should cause the destruction, even if only partial, of a public building, industrial establishment, ship or other installation, or the disruption of means of information, communication or transport, or if the act causes the death of a person.

**Question 2 (a): What legislation or other measures are in place to give effect to this subparagraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?**

The only entity authorized under Syrian law to engage in the recruitment of individuals is the Ministry of Defence. Otherwise no entity may recruit or finance individuals to promote its activities

**Question 2 (b): What other steps are being taken to prevent the commission of terrorist acts and, in particular, what early-warning mechanisms exist to allow exchange of information with other States?**

Syria cooperates with some other Arab countries, with European countries and with such international organizations as ICPO-Interpol in the exchange of information concerning those sought for engaging in acts of terrorism.

**Question 2 (c): What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this subparagraph? It would be helpful if States supplied examples of any relevant action taken.**

Syria does not provide a safe haven for those who finance, support or commit the terrorist acts stipulated in Security Council resolution 1333 (2000).

**Question 2 (d): What legislation or procedures exist to prevent terrorists acting from your territory against other States or citizens? It would be helpful if States supplied examples of any relevant action taken.**

The Arab Convention for the Suppression of Terrorism, concluded in the framework of the League of Arab States, and the agreement between Turkey and Syria on security cooperation prevent the territory of one party from being used against another party.

**Question 2 (e): What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.**

The Syrian Penal Code promulgated by legislative decree No. 148 of 22 June 1949, and specifically its articles 304 to 306, characterizes terrorist acts as grave crimes for which the penalty ranges from 10 years to death.

**Question 2 (f): What procedures and mechanisms are in place to assist other States? Please provide any available details of how these have been used in practice.**

See the reply under subparagraph (d) above.

**Question 2 (g): How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc.?**

The Syrian Department of Immigration and Passports cooperates with the Ministry of the Interior in monitoring the land, air and maritime boundaries, and their procedures prevent the movement of terrorists or terrorist groups to and from Syrian territory. The Syrian Ministry of the Interior has also taken measures to prevent the counterfeiting or forgery of identity and travel documents.

**Question 3 (a): What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this subparagraph?**

See the articles of the Syrian Penal Code cited under subparagraph 1 (d) above.

**Question 3 (b): What steps have been taken to exchange information and cooperate in the areas indicated in this subparagraph?**

See under subparagraph 2 (b) above.

**Question 3 (c): What steps have been taken to cooperate in the areas indicated in this subparagraph?**

Syria has signed the Arab Convention for the Suppression of Terrorism and an agreement on security cooperation with Turkey.

**Question 3 (d): What are your Government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this paragraph?**

Syria has acceded to four international conventions for the suppression of terrorism, and the relevant Syrian authorities are now considering accession to the remaining international conventions in accordance with the country's legal and constitutional procedures.

**Question 3 (e): Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this subparagraph.**

Syria is bound by the conventions to which it has acceded and will in future be bound by those to which it will accede.

**Question 3 (f): What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status? Please supply examples of any relevant cases.**

Refugees are admitted to Syria exclusively on the basis of cooperation between the Ministry of the Interior and the Office of the United Nations High Commissioner for Refugees in accordance with the requirements for cases of asylum and the criteria established by UNHCR for the granting of refugee status.

**Question 3 (g): What procedures are in place to prevent the abuse of refugee status by terrorists? [Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.]**

Article 24 (a) of the Syrian Penal Code states that the extradition of political refugees will be refused if the offence for which extradition is sought is of a purely political character. The Syrian legal position is in keeping with the Model Treaty on Extradition adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

The Permanent Mission of the Syrian Arab Republic to the United Nations takes this opportunity to convey to the Counter-Terrorism Committee the assurances of its highest consideration.

United Nations S/2001/1205

Security Council

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14 December 2001

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# Letter dated 14 December 2001 from the Permanent Observer of Palestine to the United Nations addressed to the President of the Security Council

I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Security Council to be held today, Friday, 14 December 2001, regarding the situation in the Occupied Palestinian Territory, including Jerusalem.

(*Signed*) Dr. Nasser **Al-Kidwa**
Ambassador, Permanent Observer of
Palestine to the United Nations

01-69842 (E) 141201

United Nations A/56/718–S/2001/1206

General Assembly
Security Council

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**General Assembly**
**Fifty-sixth session**
Agenda item 42
**The situation in the Middle East**

**Security Council**
**Fifty-sixth year**

## Letter dated 18 December 2001 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

I have the honour to inform you that since yesterday, Israeli military aircraft, included 35 warplanes and 5 helicopters, have been engaging in intensive violations of Lebanese airspace, breaking the sound barrier over Lebanese cities and villages.

At present the Israeli military aircraft are still continuing their provocative acts, which reached a dangerous level yesterday when, starting at 17.20 hours, 14 military aircraft at once overflew Lebanese cities and regions at low altitudes, causing anxiety and terror among Lebanese civilians, especially children, and terrifying large numbers of tourists who had come to spend the holiday period in Lebanon, owing to the repeated breaking of the sound barrier by those aircraft during the night-time hours.

The Israeli violations mentioned above are unjustified acts of provocation, especially since they come at a time when complete tranquillity reigns over South Lebanon. They once again belie Israel's assertions that it is calling for pacification and confirm its efforts to escalate tension through its provocation and its aggression against Lebanon, which are in flagrant violation of Security Council resolution 425 (1978) and of Lebanon's sovereignty and pose a threat to security and stability in the region.

Lebanon, in drawing your attention to the seriousness of the Israeli violations, requests you to exert the necessary efforts to stop Israeli aggression and provocation.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 42, and of the Security Council.

(*Signed*) Sélim **Tadmouri**
Ambassador
Permanent Representative

01-70353 (E) 181201 181201

United Nations S/2001/1207

Security Council

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14 December 2001
English
Original: French

## Letter dated 7 December 2001 from the President of the Security Council addressed to the Secretary-General

The members of the Security Council have taken note of the information contained in your report of 14 November 2001 (S/2001/1076) and, in particular, that concerning the Office of the United Nations in Burundi. They support your proposal to strengthen the Office to help implement the Arusha Peace Agreement.

(*Signed*) Moctar **Ouane**
President of the Security Council

01-69854 (E) 141201 141201

United Nations S/2001/1208

Security Council

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14 December 2001
English
Original: Arabic

## Letter dated 10 December 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

I refer to the sophistries contained in the letter addressed to you by the Minister for Foreign Affairs of Kuwait on 1 October 2001 (S/2001/925, annex), with regard to which the actual facts need to be stated.

1. The letter deliberately passes over an established and acknowledged fact, namely that shared oilfields are subject to the international conventions and customs that regulate the exploitation of such transboundary fields. Any unilateral action by the State of Kuwait to exploit and develop such fields in a manner that damages the corresponding fields in Iraqi territory is therefore in violation of these customs and conventions.

2. Everyone knows that Iraq under the embargo is prevented from using its revenues to develop its national resources and that the sums allocated to the oil sector under the memorandum of understanding and the oil-for-food programme are limited and do not meet the mounting need for investment in a sector that has been undergoing major processes of obsolescence since 1990 that require extensive investment if they are to be remedied. This is, moreover, a need that is shared by all installations and wells in the sector throughout Iraqi territory. There is also the destructive role being played by the representatives of the United States and the United Kingdom in the Security Council Committee established by resolution 661 (1990) when they place all drilling contracts and contracts for related supplies and equipment on hold with a view, inter alia, to crippling Iraq's ability to prevent the damage being caused by the Kuwaiti exploitation in question.

3. The accusation made in the Kuwaiti letter to the effect that Iraq is interfering in the internal affairs of Kuwait is a pure fabrication. Since 1991, Kuwait has been providing material and logistic support to the policy of the United States and the United Kingdom of interfering in Iraq's internal affairs by supporting and financing the terrorist entities that are seeking to undermine the security, stability and territorial integrity of Iraq. This causes instability in the region that will persist as long as this United States and British policy and Kuwait's support for it remain in place, threatening the stability of all the countries of the region with the greatest of dangers. The positions set forth in our many letters addressed to you concerning the fact that Kuwait is providing financial support and making bases available to the United States aircraft that engage in aggression against Iraq, attack our peaceable people and our cities and burn our fields only serve to prove the

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extremes to which the Government of Kuwait will go in its aggression against Iraq and its interference in Iraq's internal affairs in flagrant disregard of all the international covenants and conventions that prohibit such practices.

In the light of the foregoing, we call upon you to intervene on the basis of the facts set forth above and to urge Kuwait to halt its unilateral exploitation of the shared transboundary oilfields, which causes the constant migration of our oil resources, and to reach agreement with Iraq on the manner in which these fields can be exploited so as to safeguard the rights of both parties. As stated in our letter addressed to you on 19 September 2001 (S/2001/899, annex), we reserve our right to bring the matter of the oilfields shared by Iraq and Kuwait before such impartial entities as Iraq deems fit, at the appropriate time, and to seek compensation in accordance with international law.

In another respect, the Security Council, which was responsible for imposing the new boundary demarcation that caused Iraq to lose a number of its oil wells in the area in question, and which Kuwait is currently exploiting and depleting, is now required to meet in full its responsibility to halt the systematic Kuwaiti plunder of Iraq's oil resources.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Aldouri**
Ambassador
Permanent Representative

United Nations S/2001/1209

# Security Council

Distr.: General
14 December 2001
English
Original: French

## Letter dated 14 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Canada, submitted in accordance with paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman of the Counter-Terrorism Committee

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## Annex

[Original: English]

### Letter dated 14 December 2001 from the Permanent Representative of Canada to the United Nations to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Further to your note of 18 October 2001, I have the honour to forward to you the Government of Canada's report to the Counter-Terrorism Committee on measures Canada has taken to implement the provisions of Security Council resolution 1373 (2001) (see enclosure).

(*Signed*) Paul **Heinbecker**
Ambassador
Permanent Representative

## Enclosure

[Original: English]

### Report of the Government of Canada to the Counter-Terrorism Committee of the United Nations Security Council on measures taken to implement resolution 1373 (2001)

Fighting terrorism is of the highest priority for the Government of Canada. Since the September 11 attacks, Canada has taken vigorous action to counter the terrorist threat and has been working closely with many members of the United Nations to ensure the safety of all our citizens, to cut off financial support and deny safe haven to terrorists, and to bring terrorists to justice.

Although Canada had substantial anti-terrorist measures already in place, it was recognized that further legislation was needed to deal more effectively with the global threat of terrorism. Consequently, the draft legislation described in this report was tabled in Parliament. A number of these legislative initiatives will receive significant funding from the Budget of the Canadian Government tabled in the House of Commons on 10 December 2001.

While the Government of Canada has initiated actions on a wide array of fronts in the fight against terrorism, the attached table contains a detailed description of those measures taken by Canada which relate to Security Council Resolution 1373 (2001). The passage of draft legislation now pending in Parliament will implement fully the provisions of the Resolution. Since the draft legislation is subject to Parliamentary approval and further measures may be taken in the fight against terrorism, a further report to the Counter-Terrorism Committee is anticipated.

Ottawa, Canada
12 December 2001

| | IMPLEMENTATION OF UN SECURITY COUNCIL RESOLUTION 1373 (2001) |
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| **Resolution 1373 (2001)** | **Measures taken by the Government of Canada** |
| 1. *Decides* that all States shall: | |
| (a) Prevent and suppress the financing of terrorist acts; | On October 2, 2001, the Government of Canada implemented the *United Nations Suppression of Terrorism Regulations* (the "Regulations") and on October 15, the Government introduced legislation in Parliament entitled the *Antiterrorism Act*, referred to as Bill C-36. The Regulations and Bill C-36 deal with terrorist financing as set out in more detail below.<br><br>The Regulations make it an offence for any person in Canada and any Canadian outside of Canada to knowingly provide or collect funds with the intention or knowledge that they be used by a listed person, or to deal in any property of a listed person, and prohibit the making available of funds and financial or other related services to a listed person.<br><br>Bill C-36 contains amendments to the *Criminal Code* to create three new offences relating to terrorist financing. The new offences relate to providing or collecting property for terrorist activities (*International Convention on the Suppression of the Financing of Terrorism*); collecting property, providing, or making available property or financial or other related services for terrorist purposes; and using or possessing property for terrorist purposes.<br><br>Among other measures, Bill C-36 amends the *Proceeds of Crime (Money Laundering) Act*, or PCMLA, to expand its scope to encompass terrorist financing. The amendments to the PCMLA require the reporting of transactions suspected of being linked to terrorist financing. They also expand the mandate of Canada's financial intelligence unit (FINTRAC) to include the analysis of these reports, the disclosure of key identifying information to law enforcement and intelligence agencies and the ability to share information related to terrorist financing with its international counterparts. |
| (b) Criminalize the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts; | Paragraph 1(b) was implemented through Section 3 of the Regulations, which prohibits (under penalty of imprisonment for up to five years, and a fine of up to CAD $5,000) the provision or collection of funds with the intention or knowledge that the funds be used by a person designated as being associated with terrorist activity. Bill C-36 includes amendments that would increase the maximum term of imprisonment to ten years, and an unlimited fine.<br><br>Further, Bill C-36 amends the Canadian *Criminal Code* to add a new section 83.02, which would prohibit the provision or collection of funds with the intention or knowledge that the funds will be used for terrorist activities. The maximum penalty for violation of this prohibition would be ten years' imprisonment and an unlimited fine. |

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| (c) Freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities; | Paragraph 1(c) was implemented through Section 4 of the Regulations, which freeze the assets of designated individuals and entities associated with terrorist activity. Section 7 requires financial institutions to report monthly on whether they have any such assets in their possession. Section 8 requires all persons in Canada and all Canadians outside Canada to report to law enforcement and intelligence authorities if they are in possession or control of any such assets. Names listed by the UN Security Council Committee concerning Afghanistan are automatically incorporated in the Regulations. In addition, Canada is pro-actively listing other individuals and entities under the Regulations, as the Government of Canada determines that they are associated with terrorist activities.<br><br>As of November 16, 2001, CAD $344,000 in 28 accounts had been frozen by Canadian financial institutions as assets covered by Regulations implemented under the *United Nations Act*.<br><br>Bill C-36 also provides for the immediate freezing of property that is owned or controlled by terrorist groups by adding a new section 83.08 to the *Criminal Code*, as well as new sections 83.1 and 83.11 which establish reporting requirements similar to the Regulations. Penalties will include a maximum term of imprisonment of ten years, and an unlimited fine. Other amendments will also allow for the restraint, seizure and forfeiture of property derived from the commission of a terrorist offence and property used to commit or intended to be used to commit a terrorist activity. |
| (d) Prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of the persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons; | Paragraph 1(d) was implemented through the Regulations, which in Section 4(b) prohibit making property or any services available for the benefit of designated individuals or entities associated with terrorist activity. The penalties under the Regulations are as set out in Paragraph 1(b).<br><br>Bill C-36 would likewise add to the *Criminal Code* sections 83.03 and 83.04 which would prohibit making available property or services for terrorist activities, as well as using property for terrorist activities or possessing property that will be used for terrorist activities. The penalties under the Act are as set out in Paragraph 1(b).<br><br>Bill C-36 also contains measures to prevent the use of registered charities to provide funds to support terrorist activities. Specifically, Part 6 of Bill C-36 provides an administrative mechanism to prevent the registration of an organization as a charity and to revoke the registration of a charity if there are reasonable grounds to believe that the organization makes or will make resources available directly or indirectly to an organization engaged in terrorist activities.<br><br>The Bill also prohibits entering or facilitating any transaction or providing any financial or other related services in respect of that property. |

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| 2. *Decides also* that all States shall:<br><br>(a) Refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists; | Existing general provisions in Canada's criminal law dealing with criminal conspiracy and other inchoate offences apply to criminal activities related to terrorist acts. Bill C-36 now before Parliament contains an amendment to the *Criminal Code* that criminalizes the participation in the activity of a terrorist group or the facilitation of a terrorist activity. This provision specifically covers the situation of anyone recruiting a person in order to facilitate or commit a terrorist offence or recruiting a person to receive training so as to be able to contribute to a terrorist activity. These offences are punishable by up to ten years' imprisonment.<br><br>Canadian legislation has established a system of strict control over the import, export and internal possession of firearms and military weapons and explosives. Other sensitive goods and technologies that could be used in the design, development and production of weapons of mass destruction are also subject to export control. Bill C-42, introduced in Parliament on 22 November, includes measures to give the Government of Canada the power to tighten internal controls on and regulate the export of civilian explosives. It will also give the Government the explicit power to control the export and transfer from Canada of technology and for the Minister of Foreign Affairs to consider international peace and stability as criteria. |
| (b) Take the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to other States by exchange of information; | The legislation that establishes the mandates for the Royal Canadian Mounted Police (RCMP) and the Canadian Security Intelligence Service (CSIS) contains provisions which facilitate the timely exchange of information with other countries to prevent the commission of terrorist acts.<br><br>Prevention and deterrence is and has always been a primary objective of the Royal Canadian Mounted Police. Any information that is generated which will enable the agency to prevent or deter such activity is provided to concerned countries in a timely manner.<br><br>The CSIS has an early warning function. The primary responsibility of CSIS is to collect information, forewarn and advise the Government of Canada regarding activities that may constitute a threat to the security of Canada including terrorist threats. In addition, CSIS shares information and intelligence on terrorist threats with allied services. Whether of domestic or foreign origin, addressing the threat of terrorism is CSIS' highest priority. CSIS is continuing to develop new techniques and approaches within its counter-terrorism program to help ensure that Canada does not become a focus of terrorist activity.<br><br>Since 1989, CSIS has substantially broadened the scope and enhanced the content of its international relations. CSIS has a large number of cooperative arrangements with other countries. It also maintains liaison officers in a number of countries to facilitate the exchange of information. Through its Foreign Liaison Program, CSIS works cooperatively with the appropriate intelligence services and other agencies to share information on terrorist threats. |

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| 2. (b) (Continued) | The proposed legislative amendments in Bill C-36 include new investigative tools which will make it easier to use electronic surveillance against terrorist organizations. Bill C-36 would also allow the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) to share certain information with a foreign counterpart if there are reasonable grounds to suspect that the information would be relevant to the investigation or prosecution of a terrorist financing offence.<br><br>Bill C-42 now before Parliament amends both the *Immigration Act* and the *Aeronautics Act* to require advance passenger information to be provided to the Government of Canada for certain limited purposes. Bill C-44, introduced in Parliament on 28 November 2001, amends the *Aeronautics Act* to permit airlines to share this information with other governments where required to do so by the laws of the foreign state. |
| (c) Deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens; | Both the present Canadian *Immigration Act* and a new *Immigration and Refugee Protection Bill* which has been passed by Parliament and will come into force soon, contain provisions which prohibit the entry into Canada or provide for the removal from Canada of persons concerning whom there are reasonable grounds to believe have engaged, are engaged or will engage in acts of terrorism or are members of an organization involved in terrorism. Both the notions of membership and terrorism have been interpreted by the Canadian courts broadly and include all the activities described above.<br><br>The Canadian Security Intelligence Service (CSIS), in cooperation with Canadian Immigration authorities, has ongoing mechanisms under the present *Immigration Act*, "to remove from Canada persons found inadmissible on national security grounds". Since 1992, this process has resulted in the deportation of 14 persons.<br><br>Bill C-36 contains an amendment to the *Criminal Code* making it an offence to harbour or conceal anyone who has carried out a terrorist act or for the purpose of enabling a person to facilitate or carry out a terrorist activity. These offences are punishable by up to ten years' imprisonment. Amendments to the Criminal Code in Bill C-36 extend Canada's jurisdiction over terrorist financing offences such that anyone who has committed such an offence outside Canada and is present in Canada after the commission of a terrorist financing offence, could be prosecuted in Canada. Moreover, the Bill extends Canada's jurisdiction over terrorism offences committed outside Canada if the offences are committed by a Canadian citizen, a stateless person residing in Canada or a permanent resident present in Canada after the commission of the offence. The *Extradition Act* would also be available to extradite a person who has committed a terrorist offence in another country.<br><br>Bill C-42 amends the *Immigration Act* to permit the Minister to approve the destination of a person leaving Canada under a departure order or an exclusion order, to ensure that fugitives from justice do not escape from jurisdictions seeking their return. |

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| (d) Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens; | Bill C-36 defines terrorist activity so as include any act or omission that is committed with the intention of intimidating the public or compelling a person, government or international organization to do or refrain from doing anything, whether the person, government or organization is inside or outside Canada. Thus anyone financing, planning, facilitating or committing terrorist activities on Canadian territory with a view to acting against another state or its citizens would be committing an offence in Canada. In addition, the investigative mandate of CSIS permits the collection of information or intelligence about activities suspected of being directed towards or in support of terrorism. |
| (e) Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts; | The penalties for terrorist offences are severe, and range from up to ten years' imprisonment to life imprisonment. Bill C-36 provides that in some circumstances penalties are to be served consecutively, and that an individual convicted of a terrorism offence may be ordered to serve a minimum of half the sentence before being eligible for parole.<br><br>See also the responses to 1 (a) to (d). |
| (f) Afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings; | The *Mutual Legal Assistance in Criminal Matters Act* serves as the primary vehicle for affording countries assistance in investigating or prosecuting offences, including terrorist financing offences. While assistance is usually provided pursuant to a bilateral treaty, it is possible to provide assistance without the existence of a treaty. Canada has a network of 27 bilateral Mutual Legal Assistance Treaties (MLAT)(see response to 3 (c) below). Canada has some 20 ongoing terrorism-related cases of formal MLAT requests for evidence-gathering assistance and has five such extradition-related arrests, one case prior to and four post September 11. |

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| (g) Prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents; | Canada participates in a number of international fora established for the purpose of exchanging information on illegal migration trends and travel document abuse, for example, the Immigration Fraud Conference, the Pacific Rim Conference and the G8 Summit Experts Group on Transnational Organized Crime. Since 1997, there has been an information sharing arrangement between the US and Canada with respect to suspected terrorists. The *Immigration Act* provides authority for the seizure of travel or other identity documents discovered during normal border inspection; persons importing or exporting such documents can be prosecuted. The Canadian Security Intelligence Service (CSIS) provides inputs to the Enforcement Information Index, an automated system administered by Citizenship and Immigration Canada that acts to alert Immigration and Customs officers at ports of entry of the threats to national security posed by suspected and known terrorists seeking admission to Canada. CSIS information enables Canadian immigration officials to refuse applications from individuals suspected of involvement in terrorist activity, effectively barring their entry into Canada.<br><br>Increased efforts have been placed at ports of entry to identify and intercept suspected terrorists attempting to enter Canada. On October 12, 2001 the Minister of Citizenship and Immigration introduced new measures specifically aimed at further combatting terrorism, these measures include the introduction of a more secure identity card for new immigrants by June 2002; increased detention and deportation capacity; and hiring up to 100 new staff to enforce upgraded security at ports of entry. Bill C-42 now before Parliament amends both the *Immigration Act* and the *Aeronautics Act* to require advance passenger information to be provided to the Government of Canada in order to identify and prevent the fraudulent use of identity papers and travel documents. Bill C-44 amends the *Aeronautics Act* to permit airlines to share this information with other governments where required to do so by the laws of the foreign state.<br><br>It is the intention of the Royal Canadian Mounted Police (RCMP) to establish Integrated Border Enforcement Teams comprised of RCMP and other federal and municipal partners. It is planned to establish four teams initially and add another six if funding becomes available.<br><br>With respect to passports, applications must satisfy the prescriptions of the Passport Order. Documentary Evidence of Citizenship (DEC) must be provided. Issuers of such documents (provinces and territories as well as Citizenship and Immigration Canada) are fully engaged in the improvement of the security of their documents and issuance processes. Greater emphasis on the examination of such documents has and will continue to be exercised by examiners. Automated verification against provincial records is currently being pursued by the Passport Office. |

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| 2. (g) (Continued) | In addition to DECs being satisfactory, the identity of the applicant must be established. It is currently being verified by a guarantor, who countersigns the passport application form as well as the photo provided by the applicant. The Passport Office has increased significantly the number of guarantor checks since Sept. 11th. Moreover, additional information relative to employment and residency will shortly be asked from applicants. This will provide further means to verify the identity of applicants.<br><br>Our electronic system provides in real time the photo of the applicant who applies for a renewal. Currently, the image base comprises over a million photographs. Very soon, all passport applications will be processed by this system. Impersonators of a passport holder can be intercepted as their photo will not match the photo of the legitimate holder of a passport already processed by the system.<br><br>Finally, the names of persons or applicants whose entitlement to a Canadian passport may be, for a variety of reasons, subject to review (which includes the possibility of refusal) are entered on an electronic "lookout" system and passports are not issued to such persons or applicants until and unless a clearance has been given by the Security and Entitlement Review Section of the Passport Office.<br><br>The integrity of the Canadian passport arises from a variety of security features that have, to our knowledge, been fully effective in preventing counterfeiting of the document. However, no design remains foolproof forever. To counter threats posed by alteration, photo substitution, misuse, and counterfeiting of observation labels, the Passport Office has developed a new passport which will be introduced within a year. This passport contains new state of the art forensic attributes which inspection authorities will be able to authenticate more effectively.<br><br>Once this new design has been introduced, the Passport Office will provide training aids designed to assist inspection authorities to determine that they are dealing with an example of the more robust digital design. |

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| 3. Calls upon all States to:<br><br>(a) Find ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons or networks; forged or falsified travel documents; traffic in arms, explosives or sensitive materials; use of communications technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups; | Canada coordinates its national policies to prevent and pre-empt terrorist activities. Work is ongoing with all partners, domestically and internationally, to improve information sharing and investigative methods to deal with new and emerging threats, including the threat posed by weapons of mass destruction.<br><br>The Royal Canadian Mounted Police (RCMP) intends to build in an international component within the Integrated National Security Enforcement Teams. Participation by international agencies can be on a case-by-case basis or a permanent arrangement if this is deemed necessary. Essentially this is the current practice of the RCMP; however, as Canada seeks more integration from a law enforcement perspective, this process will become formalized. This, in addition to existing arrangements, will accelerate the exchange of operational information.<br><br>As noted in 2(b), the Canadian Security Intelligence Service (CSIS) has been engaged in an intense effort to enhance the international exchange of intelligence on terrorism through a network of liaison officers and country-to-country agreements.<br><br>The Passport Office, upon receipt of intelligence or information on intercepted forged or falsified travel documents, investigates these reported cases with the support of the RCMP and immigration intelligence. Criminal procedures can be instituted, but administrative procedures have also been instituted, which may result in the withholding of passport services for individuals, as well as the revocation of a passport if one was issued in the past. The Canadian Passport Order prescribes that the Passport Office may revoke a passport that has been used in committing an offence.<br><br>Bill C-36 will also put in place the necessary legislation to allow Canada to implement the *International Convention on the Suppression of Terrorist Bombing*. Bill C-42 amends both the *Immigration Act* and the *Aeronautics Act* to require advance passenger information to be provided to the Government of Canada in order to identify and prevent the fraudulent use of identity papers and travel documents. Bill C-44 amends the *Aeronautics Act* to permit airlines to share this information with other governments where required to do so by the laws of the foreign state. |
| (b) Exchange information in accordance with international and domestic law and cooperate on administrative and judicial matters to prevent the commission of terrorist acts; | The basis for Canada's activity in this field is a network of Mutual Legal Assistance Treaties and related cooperative arrangements. The responses in 2 (b), (f) and (g) and 3 (a) above as well as 3 (c) below provide information relevant to this provision. |

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| (c) Cooperate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such attacks; | Canada has a network of 27 bilateral Mutual Legal Assistance Treaties which cover legal cooperation on terrorism-related offences, as well as 51 bilateral extradition treaties. In addition, Canada is party to a number of multilateral conventions addressing legal cooperation against crime and terrorism, and extradition for such offences. Canadian police authorities, acting primarily through the RCMP, have numerous bilateral arrangements relating to cooperation in the investigation of criminal matters, as well as multilateral arrangements, notably through INTERPOL. These tools for cooperation are regularly used to assist foreign authorities and investigate terrorist offences and threats. |
| (d) Become parties as soon as possible to relevant international conventions and protocols relating to terrorism, including the International Convention for Suppression of the Financing of Terrorism of 9 December 1999; | Canada is a party to 10 of the 12 UN counter-terrorism conventions. The provisions of Bill C-36 will allow Canada to fulfil all obligations contained in the two remaining UN counter-terrorism conventions, the Convention against Terrorist Bombing and the Convention for the Suppression of the Financing of Terrorism, to which Canada is already a signatory. Should Parliament pass Bill C-36, Canada would expect to ratify these two remaining conventions promptly. |
| (e) Increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism and Security Council resolutions 1269 (1999) and 1368 (2001); | Canada will continue to widen its cooperation with other states in combatting terrorism. Canada fully implements its obligations under the terrorism conventions that it has ratified through provisions in its criminal law, its extradition legislation, and its legislation related to mutual legal assistance, and will ratify the remaining two when the legislative capacity to implement (presently contained in Bill C-36) is in place. Regulations under the United Nations Act fully implement the domestic legal aspects of Security Council resolutions 1269 and 1368. |
| (f) Take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts; | Canada has implemented the 1951 *Convention and Protocol relating to the Status of Refugees* through its *Immigration Act*. This *Convention* excludes persons from obtaining refugee status if they have been involved in serious non-political crimes or acts against the purpose and principles of the United Nations; terrorism falls within the parameters of both exclusion clauses which are applied in Canada regularly (this was decided in 1998 by the Supreme Court of Canada in the Pushpanathan case). In addition to using the exclusion clauses, Canada also makes use of a provision in the *Immigration Act* which makes refugee claimants ineligible to access the refugee determination process if they have been found involved in terrorism by an immigration adjudicator or even to revisit an eligibility decision after an immigrant has been allowed such access (if Bill C-42 now before Parliament becomes law). This provision was applied in the case of Tejinder Pal Singh, a member and supporter of Dal Khalsa, a Sikh political group which aims to establish a separate and independent Khalistan in India through violent means, who with four others committed a terrorist act by hijacking an Indian airplane; he was removed from Canada in December 1997. A process for enhanced front-end screening of refugee claimants for security and criminality concerns was already underway before the September 11 terrorist attacks in the United States. Since the attacks, and the passage of Security Council resolution 1373, the Government of Canada announced on October 12, 2001 strengthened immigration measures to counter terrorism. |

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| (g) Ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for extradition of alleged terrorists; | Canada has implemented article 33(2) of the 1951 *Convention and Protocol relating to the Status of Refugees* which allows the removal of persons who have obtained refugee status and who subsequently engage in very serious criminality; if they constitute a danger to the security of the country of refuge they can be removed to their country of origin even if they fear persecution there. In Canada persons who have been involved in terrorism or are members of a terrorist organization are subject to this provision if the Minister of Citizenship and Immigration is of the view that they pose a danger to the security of Canada. This provision was used in the case of Iqbal Singh who was involved in fundraising, recruiting and organizing for the Babbar Khalsa International, an organization dedicated to terrorism and subversion against the Indian government.<br><br>If another country has requested the extradition of a suspected terrorist who has claimed refugee status, the refugee process is adjourned until the extradition process has been completed; if the refugee claimant is ordered extradited, this order is also deemed to be a serious non-political crime for refugee purposes and the person is excluded. |
| 4. *Notes* with concern the close connection between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal arms-trafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials, and in this regard *emphasizes* the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security; | Canada is committed to strengthening cooperation with its partners in various fora in the global campaign against terrorism. A member of a number of international and regional organizations such as the G8, the G20, the United Nations, the Organization for Security and Cooperation in Europe (OSCE), the Organization of American States (OAS), la Francophonie, and the Commonwealth to name but a few, Canada is well placed to foster closer coordination and cooperation in the examination of links between international terrorism and money laundering, financing, illicit traffic of drugs and small arms, transnational organized crime and the illegal movement of chemical, biological, radiological and nuclear materials. Bilaterally, Canada works closely with the United States on the whole range of issues related to international terrorism. Provided below are some recent concrete examples of initiatives in which Canada is playing an active role which transcend the bilateral Canada-US relationship.<br><br>**MONEY LAUNDERING AND FINANCING**<br><br>National:<br>The core elements of Canada's anti-money laundering regime are set out in the *Proceeds of Crime (Money Laundering) Act* (PCMLA). Among other things, the PCMLA includes customer identification and record-keeping requirements. It also requires financial institutions, casinos, currency exchange businesses, as well as other entities and individuals acting as financial intermediaries (such as lawyers and accountants) to report transactions relevant to the identification of money laundering. The Act also established the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) in July 2000. FINTRAC's primary functions are to receive reports made under the Act, to analyse those reports for information relevant to money laundering, and to provide key identifying information to Canadian law enforcement, intelligence, and other authorities |

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| 4. (Continued) | The amendments contained in Bill C-36 broaden the scope of the PCMLA, including the mandate of FINTRAC, to address both money laundering and terrorist financing offences.<br><br>These changes include:<br><br>• Individuals and entities that are required to report suspicions of money laundering would also be required to report suspicions of terrorist-financing activity to FINTRAC;<br>• FINTRAC's role would be broadened to include the analysis of these reports and the disclosure of key identifying information to law enforcement and intelligence authorities; and<br>• FINTRAC would also share information about terrorist-financing activities with its international counterparts, subject to safeguards with respect to its treatment and disclosure.<br><br>The RCMP has the primary investigative responsibility for the seizure and forfeiture of assets through the Integrated Proceeds of Crime Program. This is an established multi-disciplinary and multi-agency integrated program of government, designed to track criminal assets. The program will have an expanded mandate with a focus on terrorist financing. With links to FINTRAC and national and international partners, intelligence and enforcement links are firmly in place.<br><br><u>International</u>:<br>Canada is one of 31 members of the Financial Action Task Force (FATF) and participates actively in the ongoing review to update FATF's 40 Recommendations on Money Laundering. The FATF, which conducts mutual reviews of member states' anti-money laundering efforts, recently expanded its mandate to include terrorist financing. FATF has issued 8 special recommendations which commits its members to take action against terrorist financing.<br><br>The G8 has agreed to coordinate G8 diplomatic, legal, law enforcement and security and intelligence services' efforts to address the issue of terrorist financing and to increase and coordinate G8 outreach to third countries in all counter-terrorism related activities, including in the suppression of financing of terrorism. |

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| 4. (Continued) | **CHEMICAL, BIOLOGICAL, RADIOLOGICAL AND NUCLEAR THREATS (CBRN)**<br>National:<br>The Government of Canada, in consultation with provincial jurisdictions, has launched an interdepartmental process to strengthen our coordinated response to CBRN-related terrorist incidents. We have similarly established a coherent approach to prevention of CBRN terrorism. This approach includes a focus on illicit trafficking of CBRN agents in an effort to strengthen our capacity to deter, detect, and interdict in such cases. The strategy also includes strengthening CBRN import/export/border controls, improving security around sensitive facilities and outreach to the private sector in order to promote awareness of threats. Bill C-42 now before Parliament creates the *Biological and Toxin Weapons Convention Implementation Act* to supplement Canada's existing legislation to prevent the development and spread of biological weapons.<br><br>Subregional:<br>Canada, USA and Mexico are discussing common approaches to the threat of CBRN terrorism. Part of this approach will involve improvements to the capacity of border authorities to identify and interdict in cases of illicit movement of CBRN agents/materials.<br><br>Regional:<br>In the Organization of American States (OAS), Organization for Security and Cooperation in Europe (OSCE), ASEAN Regional Forum (ARF), Francophonie and Commonwealth, Canada is working to ensure that illicit trafficking of CBRN agents is identified as a risk and that efforts are made to collectively address the risk.<br><br>International:<br>Canada is committed to strengthening the international treaties and conventions whose aim is combatting CBRN terrorism or the non-proliferation of CBRN agents. We also support efforts to strengthen the organisations (IAEA, Organization for the Prohibition of Chemical Weapons) that implement these instruments. Canada intends to ratify the *Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency.*<br><br>Canada also supports international efforts to strengthen CBRN import/export/border controls, improve security around sensitive facilities along with the destruction of excess CBRN agents and weapons. Within the G8, Canada is committed to combat terrorism-related activities in the field of CBRN, in consultation with the Non-Proliferation Experts Group, starting with an assessment of the threat and the definition of best practices. |

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| 4. (Continued) | **INTERNATIONAL CRIME**<br>International:<br>Canada is a longstanding member of the UN Crime Commission and has been at the forefront of work on crime and terrorism in the G8, where experts meet on terrorism and on trans-national organized crime. The mandates of the G8 Experts Group on Transnational Organized Crime (Lyon Group) and the Counter-Terrorism Experts Group (CTEG) are designed to provide member Governments with advice on public policy, information and expertise sharing, as well as in some cases operational cooperation. The work of the G8 on terrorism has been focussed on UN priorities set out in the 1996 General Assembly Declaration on Measures to Eliminate Terrorism. The work on transnational organized crime has focussed on judicial cooperation, migration, high-tech, and law enforcement cooperation. Canada will continue this work during our forthcoming Presidency of the G8 in 2002 where the two groups are expected to combine their efforts on developing measures to stop the flow of funds to terrorists, improve aviation security, and the control of arms exports.<br><br>**DRUGS**<br>International:<br>The G8 have agreed to map current known links between drug trafficking and terrorists; to identify possible linkages for further investigation and to produce a template of key indicators of drug trafficking likely to be contributing to terrorism; to support the United Nations Drug Control Programme (UNDCP) major donors' efforts to coordinate counter-narcotics assistance to combat the drug trade emanating from Afghanistan and to work together to maximise the effectiveness of UNDCP programmes in the region; to coordinate G8 demarches to countries, with the aim of raising awareness of the relation between drug trafficking and the financing of terrorism. In the fight against drugs, Canada is a major donor to the UNDCP efforts to coordinate counter-narcotics assistance to combat the drug trade and is a member of the Dublin Group on drug-trafficking.<br><br>Regional: Canada is a member of the OAS and is an active contributor to the work of the OAS Committee on Terrorism (CICTE) and to its crime and drug program (CICAD). In addition we have important bilateral arrangements with the USA in the fight against crime and terrorism, including a Bilateral Consultative Group on Terrorism, a Ministerial level Cross Border Crime Forum and inter-agency task forces. We meet regularly with other partners in the Hemisphere and have regular dialogue on drug and crime issues with Mexico.<br><br>**ILLICIT TRAFFICKING IN FIREARMS**<br><br>International:<br>The G8 has pledged to intensify ongoing efforts to prevent and combat illicit trafficking in firearms, ammunition and explosives used in terrorist activities through strict enforcement of export control procedures and enhanced exchange of information on the sources, routes and methods used by traffickers. |

United Nations S/2001/1210

# Security Council

Distr.: General
14 December 2001
English
Original: French

## Letter dated 14 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Bahrain, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman of the Counter-Terrorism Committee

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## Annex

### Letter dated 13 December 2001 from the Permanent Representative of Bahrain to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

[Original: English]

I have the honour to transmit herewith the report of the Government of the State of Bahrain on the implementation of Security Council resolution 1373 (2001) concerning counter-terrorism (see enclosure).

(*Signed*) Jassim M. **Buallay**
Ambassador
Permanent Representative

**Enclosure**

[Original: Arabic]

# Report of the State of Bahrain on the steps it has taken to implement Security Council resolution 1373 (2001)

## I. Introduction

Pursuant to Security Council resolution 1373 (2001), adopted unanimously on 27 September 2001, the State of Bahrain has taken every possible step to ensure compliance with all of its provisions. It has done so in accordance with its position of rejecting all acts of terrorism in all its forms and manifestations, out of commitment to the goals of the United Nations as they relate to the maintenance of international peace and security, and in order to support the sustained international effort to take effective measures against terrorism following the events of 11 September 2001 in the United States of America.

Bahrain reaffirms its support for all measures that seek to eliminate terrorism, and it joins the rest of the world in condemning all terrorist acts, deeds and practices regardless of where they are committed and of who the perpetrators may be. It also endorses the view that the United Nations can play a constructive role in combating the phenomenon. Bahrain attaches great importance to the implementation of the measures set forth in the resolution, and it has thus conducted a thorough review of the measures currently in place in the country to combat terrorism at the national and international levels.

## II. Steps taken at the national level

Bahrain has formed a task force of the relevant entities in order to coordinate the adoption and supervision of the measures required under the terms of Security Council resolution 1373 (2001). In this connection, the competent authorities of the State of Bahrain are taking numerous measures in response to the resolution and are doing so in the areas discussed hereunder.

### 1. Measures against the financing of terrorist acts

#### 1.1. Supervision of banks and other financial institutions

Since its establishment in 1973, the Bahrain Monetary Agency has been involved in regulating all banks and other financial institutions with a view to ensuring the highest degree of credibility and improving banking practices in the country's financial sector. The circulars issued by the Agency are the principal means by which it seeks to enforce the best monitoring and disclosure practices recommended by such international bodies as the Financial Action Task Force on Money Laundering, the Basel Committee on Banking Regulations and Supervisory Practices, the Financial Stability Forum, the Organisation for Economic Cooperation and Development, the International Monetary Fund and the United Nations.

Compliance by banks and other financial institutions with the Agency's regulations is assessed by means of regular on-site inspections by Agency staff,

frequent meetings with top management in the institutions in question and accountants' reports. Additionally, the external auditors of banks are required to confirm on an annual basis in the published accounts that there have been no breaches of the Agency's regulations.

Beginning in 1989, the State of Bahrain has issued through the Agency circulars on the prohibition and suppression of money-laundering and on preventing the financing of terrorist acts. A circular on the implementation of anti-money-laundering regulations was issued to banks and other financial institutions by the Agency on 14 October 2001, with extensive requirements for the monitoring of transactions, record keeping and the reporting of suspicious transactions to the Agency.

The Agency has also issued a circular on the implementation of the provisions of Security Council resolution 1373 (2001). It seeks: to prevent and suppress the financing of terrorist acts; to criminalize the provision or collection of funds for terrorists; to freeze the funds of terrorists and terrorist entities; to prohibit the provision of any funds, financial assets or financial services to terrorists (para. 1 (a)-(d) of the resolution); to prevent those who finance, plan, facilitate or commit terrorist acts [from using the country's territory] against other States; to ensure that any person who participates in the financing, planning or preparation of terrorist acts is brought to justice; and to afford the greatest measure of mutual assistance in connection with criminal investigations relating to the financing or support of terrorist acts (para. 2 (d)-(f) of the resolution).

In addition to the circular on the implementation of Security Council resolution 1373 (2001), the Agency had previously issued circulars requiring banks and other financial institutions to implement Security Council resolutions 1267 (1999) and 1333 (2000), both of which are also relevant to the suppression of the financing of terrorism.

The Agency's regulations include anti-money-laundering measures that impose numerous requirements with respect to customer and beneficiary identification, record keeping and the reporting of suspicious transactions. They also include requirements for all banks and other financial institutions to monitor transactions that take place through correspondent banks, to appoint a money-laundering reporting officer and to submit reports. They require all institutions to obtain and record the identity documents of account holders and to examine the identity documents of parties to transactions that have a value of 6,000 Bahraini dinars or more. Commercial banks are also required to report all financial transactions valued at more than 20,000 Bahraini dinars that take place through the accounts of charitable funds and associations and to provide details of the beneficiaries.

The Agency has established a compliance unit to receive reports of banking transactions suspected as money-laundering operations and of all other suspicious transactions that may take place through banks and other financial institutions in Bahrain. The unit also applies the financial sanctions required by the resolutions of the Security Council.

The Agency is currently formulating regulations on electronic (wire) transfers that incorporate the relevant aspects of the eight Special Recommendations on Terrorist Financing recently adopted by the Financial Action Task Force on Money Laundering.

It should also be noted that alternative remittance networks such as the *hawalah* and other systems will not be permitted to operate in Bahrain without licences, and whoever operates such a system without a licence will be regarded as having violated the Bahrain Monetary Agency Law.

### 1.2. Prohibition and suppression of money-laundering

The State of Bahrain has made great strides in supplementing its legislation for the prohibition and suppression of money-laundering, and among the most important enactments in this field has been Decree Law No. 4/2001, promulgated on 29 January 2001.

The Decree Law confers broad powers on the competent authorities and on the unit charged with its implementation to receive reports from the institutions it stipulates, including banks and other financial institutions, on any suspicious transactions possibly linked to terrorist offences or any other crimes. It criminalizes the laundering of the proceeds of any criminal activity and defines "criminal activity" as any activity that constitutes a punishable offence in the State of Bahrain or any other country.

The Decree Law requires the institutions concerned to establish and verify the identity of their customers and their customers' beneficiaries, and it requires internal reporting in banks and other financial institutions. All the institutions concerned are required to retain copies of the identity documents of each new customer for a period of five years.

For the purpose of combating terrorism, the information that will become available to all the parties concerned through the implementation of the provisions of the money-laundering law will be of major importance in identifying the sources of suspect funds linked with terrorist operations or activities and the parties suspected of involvement in terrorist activities as well as the entities that transfer funds to them.

Legal measures can be taken on the basis of this information in accordance with the provisions of article 8 of the Decree Law, and there can be exchanges of information with all countries under the provisions of its article 9.

A policy committee on the prohibition and suppression of money-laundering has been formed by the Ministry of Finance and National Economy, and the Ministry of the Interior has also established an anti-money-laundering unit to perform the functions of the enforcement unit for which provision is made in the Decree Law.

### 1.3. Financial supervision of social associations and clubs

Financial supervision outside the domain of banks and other financial institutions, and especially of charitable donations, comes under the Social Associations and Clubs Law promulgated by Decree Law No. 21/1989. The Ministry of Labour and Social Affairs is the administrative entity generally responsible for supervising compliance with this law. Its article 20 states explicitly that no association may obtain funds from a foreign person or entity or send the same to persons or organizations abroad without the permission of the competent administrative authority.

Article 89 of the same law provides that whoever collects donations in a manner contrary to its provisions shall be subject to a penalty of imprisonment for a term of not more than six months, or a fine of not more than 500 Bahraini dinars, or both.

The Ministry of Labour and Social Affairs seeks to ascertain the revenues and disbursements of charitable funds. In this context, a firm of auditors has been retained since 1998 to assume responsibility for auditing the budgets of some 65 charitable funds, with the State meeting all of the relevant costs. The Ministry is also endeavouring to establish computer links with all non-governmental organizations in order to facilitate communication and remain informed of all budgetary and administrative matters pertaining to such associations.

## 2. The Penal Code

The measures taken to prevent the commission of terrorist acts, eliminate the supply of weapons to terrorists and deny safe haven to them and prevent their movement across borders (resolution 1373 (2001), para. 2 (a)-(d)), come under the Penal Code promulgated by Decree Law No. 15/1976. Although it contains no explicit references to terrorist acts, there are many provisions in its chapter VI that relate to offences that constitute a public danger, including crimes of arson, crimes relating to explosives, infamous crimes and crimes involving interference with communications. All the offences enumerated in chapter VI may thus be included under numerous terrorist crimes, given that they endanger people's lives and property or cause extreme fear.

Many of the criminal acts enumerated in chapter I of the section on specific crimes, which is on offences against the internal and external security of the State, fall into the category of terrorist crimes. The Code provides that whoever knowingly gives or provides to an armed group weapons, equipment or vehicles that it may use to achieve its objectives, or who sends it supplies or collects funds for it, or who enters into criminal communications in any manner whatever with the leader or leaders of such a group, or who, knowing its purpose and character, provides it with accommodation or premises in which its members may take refuge or meet together shall be sentenced to life imprisonment or to imprisonment for a term.

It should be noted that article 6 of part II of the section on general provisions, concerning the application of the Code *ratione loci*, states that its provisions shall apply to any national or alien who commits outside the State of Bahrain any act that makes him a perpetrator of or accessory to a felony prejudicial to the external or internal security of the State such as those stipulated in parts I and II of chapter I of the section on specific crimes. In this way Bahrain criminalizes terrorist acts, and they constitute a crime against the external or internal security of the State whether the offence is committed in Bahrain or elsewhere, whether by a national or an alien and whether the person concerned is a primary perpetrator or an accessory to the crime.

There is also no scope for adducing political motives as a reason to refuse the extradition of suspected terrorists, especially since the State of Bahrain ratified the Arab Convention for the Suppression of Terrorism by its Law No. 15/1998. Article 1 of the convention defines terrorism as:

> "Every act or threat of violence, whatever its motives or purposes, that occurs in the advancement of an individual or collective criminal agenda and seeks to sow panic among people, cause them to fear harm, or place their lives, liberty or security in danger, or seeks to cause damage to the environment or to public or private installations or property or to occupy or seize them, or seeks to jeopardize a national resource."

It goes on to define a terrorist offence as "Any offence or attempted offence committed in the advancement of a terrorist objective ...". Article 2 denies terrorist offences the character of political offences, even if committed for political motives.

## 3. Security measures against terrorist acts

The Ministry of the Interior takes all possible preventive security measures to ensure that the territory of the State of Bahrain cannot be used for the commission of any terrorist acts or to shelter terrorist elements or recruit members for terrorist groups and organizations.

The competent security service conducts investigations and makes arrangements to ensure that financing of terrorism or financial cooperation with terrorist elements or organizations is prevented. In cooperation with the Bahrain Monetary Agency, it takes measures to ensure that it is not possible for elements suspected of being connected with terrorist activities or terrorist groups to make use of the banks and other financial institutions and it makes arrangements for the immediate investigation of any transactions that may be suspicious and for verification that they are not linked to terrorism.

Bahrain is also anxious to deny safe haven to those who finance, plan or commit terrorist acts or provide refuge to terrorists, and it does not permit any alien to take up residence in the State before ascertaining his good character and verifying that he is not in any of the aforesaid categories.

Moreover, the security services of the State of Bahrain cooperate with their counterparts in other countries in preventing the financing of terrorist acts. They are fully prepared to exchange information with them and to assist them in the conduct of any investigations or inquiries as requested.

It should be noted that the Ministry of the Interior is implementing a security strategy based on increased control over points of entry to and departure from the country and enhanced security-related monitoring and observation at the maritime boundaries and all crossing points. It has tightened procedures for inspection, observation, heightened alertness and the scrutiny of passports in order to thwart any attempt by terrorist elements to infiltrate into or transit Bahrain for any other country or to smuggle weapons or explosives. The Ministry of the Interior has also sought to introduce more sophisticated equipment in order to increase the effectiveness of inspections of travellers, baggage, cars and trucks at points of entry by using up-to-date technical systems that accord with the international regulations and standards in effect in this regard. The relevant security services also provide border points with the information they receive from other countries concerning terrorist elements or those suspected of being involved in suspicious dealings with terrorist organizations or elements.

The security services maintain close and positive contacts with the relevant security services of other countries at the regional and international levels and coordinate actively with them, and information is exchanged with each one of them on an ongoing basis on the prevention of terrorist acts and their prosecution and suppression. There is full cooperation and a full exchange of information, and the Bahraini security services respond positively to any request in this regard.

The Ministry of the Interior has also taken the necessary measures to provide security monitoring and observation and to protect and safeguard major sites and potential targets as well as foreign installations and interests and the premises of diplomatic and consular missions. It has endeavoured to strengthen its capacities and acquire the necessary equipment to prevent and thwart any attempt to commit acts of terrorism using any means whatever, especially explosives and chemical and biological materials.

In cooperation and coordination with the other entities concerned, the Ministry of the Interior is studying legal norms and provisions for the suppression of terrorism, whether substantive or procedural, with a view to introducing amendments to further improve the ways in which the legislative and security authorities can counter terrorism in keeping with the relevant conventions and with the international commitment to prevent and suppress terrorism.

## III. Steps taken at the international level

The State of Bahrain has stepped up its efforts with respect to measures to combat terrorism, including the exchange of information on the actions or movements of terrorists or terrorist networks in accordance with domestic law, international law and the relevant Security Council resolutions, and to increase cooperation in the implementation of the multilateral conventions relating to terrorism (resolution 1373, para. 3 (a)-(e)).

In this connection, on 14 November 2001 Bahrain signed the International Convention for the Suppression of the Financing of Terrorism adopted by the United Nations General Assembly on 9 December 1999. It is in the process of completing the legal procedures necessary for it to accede to the International Convention for the Suppression of Terrorist Bombings adopted by the United Nations General Assembly on 15 December 1997.

Bahrain has acceded to the following conventions relating to the suppression of international terrorism:

1. Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963. Bahrain acceded to this convention under Decree Law No. 4/1983.

2. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970. Bahrain acceded to this convention under Decree Law No. 4/1983.

3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971. Bahrain acceded to this convention under Decree Law No. 4/1983.

4. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 23 September 1971, signed at Montreal on 24 February 1988. Bahrain acceded to this protocol under Decree Law No. 15/1995.

5. Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991. Bahrain acceded to this convention under Decree Law No. 35/1995.

Bahrain also ratified the Arab Convention for the Suppression of Terrorism, signed at Cairo on 22 April 1998, under Decree Law No. 15/1998.

## IV. Conclusion

The State of Bahrain has supported international moves to combat terrorism and has expressed its readiness to cooperate with and participate in efforts and measures that seek to eliminate terrorism and terrorist elements and the places they are given shelter and the sources of their financing. Bahrain has done so in affirmation of its established position of principle condemning terrorism in all its forms and manifestations and regardless of its motives and of the entity responsible for it. It has censured all acts of violence and extremism, which are incompatible with the teachings of the Islamic religion and its tolerant values as well as with all the civilized concepts and humanitarian values that the State of Bahrain believes in and supports.

Bahrain's legal system embraces many provisions that reinforce the approach adopted by the Security Council in its resolution 1373 (2001). The State of Bahrain has taken numerous measures to combat terrorism, both by implementing the international norms and international covenants relating to counter-terrorism and by taking additional incisive steps for the suppression of terrorism and its financing in accordance with this and other relevant resolutions of the Security Council.

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Security Council

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14 December 2001

Original: English

# Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peace-building Support Office in that country

## I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1233 (1999) of 6 April 1999, by which the Council requested me to keep it regularly informed and to submit a report every 90 days on developments in Guinea-Bissau and on the activities of the United Nations Peace-building Support Office in Guinea-Bissau (UNOGBIS).

2. In my last report, dated 27 September 2001 (S/2001/915), I described the precarious nature of the overall situation in Guinea-Bissau, including the deepening crisis of the various state institutions, hampering the effective functioning of government and the development of the country's democratization process.

3. Following their consideration of that report, on 22 October 2001, members of the Council, in a statement to the press, among other things, called upon all institutions of the Government to engage in dialogue, to respect the Constitution and to promote national reconciliation in order to find a way out of the current difficulties. They also called for an integrated and coordinated approach by the United Nations system, including the Bretton Woods institutions, as well as bilateral donors, to help Guinea-Bissau create income-generating capacity, and acknowledged the need for strengthened dialogue with the United Nations funds, programmes and agencies operating in and around Guinea-Bissau, to enhance coordination.

4. The present report covers developments since that time and outlines continued activities of UNOGBIS and other members of the United Nations system in support of Guinea-Bissau's peace-building process.

## II. Political developments

5. During the period under review, the political situation in Guinea-Bissau has remained difficult and volatile. The Government's report that it foiled a coup on 3 December 2001, persistent calls by the opposition for the President's resignation and the dismissal of Prime Minister Faustino Imbali on 7 December, following the removal, on 21 November, of the Foreign Minister, reflected a seemingly deepening institutional, as well as political, crisis.

6. The political process continues to be marked by multiple crises among various institutions. According to the opposition, the arrest and detention of the President of the Supreme Court on allegations of misappropriation of funds were politically motivated and should therefore be rescinded. The executive has insisted that National Assembly rules and procedures do not allow parliament to declare executive acts as unconstitutional. My Representative, Samuel Nana-Sinkam, has sought to facilitate dialogue among the various political parties, the magistrates' association and the executive.

7. The different perceptions of the constitutionality or otherwise of recent executive decisions have engendered harsh rhetoric in parliament, including initiatives from the opposition for the removal of the President from office. The executive has dismissed the process and has affirmed that a parliamentary vote of no confidence did not have any meaningful political

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consequences. At the same time, the executive has sought to strip some vocal opposition legislators of their parliamentary immunity in order that they may be brought to trial on charges of corruption and misappropriation of funds, which opposition parties have stressed are false and politically motivated. Some political actors in the opposition have also reported threats to their lives. Meanwhile, the National Assembly has continued its investigation into the disappearance of some of the US$ 16.3 million from the national treasury and, on 26 November, it summoned Prime Minister Imbali to answer questions about financial irregularities in public spending.

8. During the reporting period, UNOGBIS has continued to promote dialogue and national reconciliation, including through a UNOGBIS-sponsored television forum, entitled "Tema". The Forum, funded by the German Embassy in Dakar, provides an opportunity for the public to discuss topical national concerns and developments. It has also been used to promote better understanding and awareness of the activities of the United Nations system in the country, including, especially, programmes on HIV/AIDS prevention.

9. Through two other recent initiatives, UNOGBIS has sought to enhance the capacity of civil society and youth to play a more active role in building a more stable political environment in their country. In a seminar held on 26 and 27 November in Bissau, with funding provided by the Embassy of the Netherlands, 50 representatives of various religious, youth and women's groups, as well as the media and civil servants, discussed how civil society groups could be mobilized and constructively engaged as partners in the consolidation of Guinea-Bissau's democratization process.

10. In the other event, directed principally at young Bissau Guineans, who constitute an overwhelming majority of the population, UNOGBIS, with financial assistance also from the Embassy of the Netherlands, organized, from 19 to 24 October, a national reconciliation soccer tournament to mark United Nations Day. The tournament comprised teams from different ethnic, political and religious backgrounds, drawn from different parts of the country, and was enthusiastically followed by Bissau Guinean society as a whole.

11. Since informing members of the Council, in my last report, of my plan to explore with the Economic Community of West African States (ECOWAS) and other friends of Guinea-Bissau effective ways and means of assisting President Kumba Yala and his Government to stabilize the political situation in the country, I have discussed the situation in Guinea-Bissau with President Alpha Oumar Konaré of Mali, in his capacity as the Chairman of ECOWAS, and with several other heads of State and Government in the region, as well as outside the region. Subsequently, many of them offered to do whatever they could to support efforts to restore lasting stability in Guinea-Bissau. Special envoys from two other ECOWAS member States, Cape Verde and Senegal, also visited Bissau with messages from their respective Heads of State, Presidents Pedro Pires and Abdoulaye Wade, on the situation inside Guinea-Bissau. Meanwhile, the Community of Portuguese-speaking Countries and ECOWAS have been exploring the possibility of embarking on a joint initiative to contribute to the quest for peace in Guinea-Bissau.

12. In response to invitations from Presidents Pires and Wade, I dispatched my Representative to Cape Verde and Senegal, from 20 to 26 November, where the two Heads of State stressed the need for a regional approach to solving Guinea-Bissau's problems. Emphasis was placed on complementing peacemaking and mediation efforts with economic and financial support from regional partners and the international community at large.

## III. Military and security aspects

13. Although security along the border with Senegal has improved during the reporting period, occasional forays into Guinea-Bissau's territory by armed rebels of the Movement of Democratic Forces of Casamance (MFDC) in the Casamance region have continued. In an encouraging development, no major factional fighting by rival MFDC groups was reported from Bissau Guinean territory. Armed attacks against civilian vehicles have nevertheless continued, resulting not only in the theft of goods and money, but also in civilian casualties.

14. Internally, the military authorities have continued to pledge loyalty to the constitutional order, although there are growing indications of concern about the apparent inability of the Government to move the democratic process forward. In a recent statement, the Chief of Defence Staff publicly accused political actors

of diverting funds earmarked for the welfare of the military. Nevertheless, in a positive move, the military authorities have submitted to the Government plans for the reorganization of the armed forces. Meanwhile, military personnel to be demobilized in early 2002 have been identified, following the recent completion of a census of the country's armed forces.

15. As demining activities have continued, the Government has established a Centre for Anti-Mine Action, which has estimated that, while nearly 2,500 mines have been removed thus far, about 20,000 mines still remain in the country.

16. The maintenance of public security continues to encounter serious difficulties, in particular inadequate logistical facilities, limited training for police personnel and the wide circulation of small arms inside the country and along its borders with the Senegalese province of Casamance. There is also concern that, unless demobilized and retired former combatants are properly reintegrated into civilian life, they could, if left idle, constitute a potential threat to public order.

## IV. Economic and social aspects

17. While mounting social and economic grievances have continued to sharpen political tensions, persistent political instability has also affected economic performance, including the flow of aid. Widespread poverty is not only adding to social instability, but is also generating skepticism about the still elusive dividends of the nascent democracy. As opportunities for young secondary school graduates to pursue higher studies continue to decrease, the number of unemployed young people, the largest group in the society, is increasing at an alarming rate, making this a particularly worrying challenge.

18. As the principal employer in the country, the Government's inability to pay civil service salaries on time, including meeting months of accumulated arrears, has generated enormous social and economic hardship and tensions. While the sharp fall in the price of cashew nuts, the principal cash crop, is seen as the main reason for the Government's serious financial problems, it is also widely felt that corruption at different levels of State administration is also a factor. It is against that background that President Yala's recent threat to dismiss 60 per cent of civil servants for corruption and fraud, and the Government's decision to set up a Special Anti-corruption Unit in the Ministry of Justice, can be seen. UNOGBIS, for its part, and with financial support from the Embassy of the Netherlands, organized a seminar on 29 and 30 October in Bissau, in cooperation with the Office of the Inspector General against Corruption, to consider ways to improve the functioning of the country's anti-corruption mechanisms. The seminar, which was attended by some 60 participants, including senior government officials, as well as representatives of civil society, agreed on a set of recommendations on practical measures to enhance the efficiency of State structures in fighting corruption and eliminating impunity from justice in that regard.

19. The Bretton Woods institutions have remained constructively engaged with Guinea-Bissau in a number of key sectors. The World Bank has continued to support demobilization, reinsertion and reintegration, and also envisages moving forward with programmes of assistance in the education and health sectors. In the area of public finances, the International Monetary Fund (IMF) has continued to monitor Guinea-Bissau's macroeconomic framework, with a view to restoring financial discipline to meet World Bank/IMF requirements. To that end, an IMF mission visited Bissau from 21 to 24 November, to assess the progress made.

## V. Human rights

20. By late November 2001, all detainees linked by the authorities to the attempted military uprising led by the late General Ansumane Mane in November 2000, had reportedly been released. However, following the reported coup attempt on 3 December, a number of people, including military officers, were said to have been detained.

21. The lack of appropriate codes on media practice in the country complicated relations between the Government and the media, with the latter accusing the Government of restricting freedom of speech and press, while the Government criticizes the press for allegedly not exercising its extensive freedoms responsibly. Tensions between the two sides have recently begun to subside, as discussions on a draft press code have started. In this regard, UNOGBIS, with financial support from the Embassy of France in Bissau and the Embassy of the Netherlands in Dakar, recently prepared and published a "Reference document", highlighting the principles and practices of journalism

in a democratic society. UNOGBIS, furthermore, with financial assistance from the German Embassy, made available modern broadcasting equipment to State television and to government and private radio services.

22. UNOGBIS has also continued to organize training programmes for military and police staff, with a view to sensitizing them with regard to respect for human rights. To that end, on 8 and 9 November, it organized in Gabu (200 km from Bissau) a human rights training seminar for 300 soldiers, civil police members and representatives of civil society. Another seminar was organized in Bissau from 20 to 23 November, to train members of the recently established Inter-Ministerial Committee on the preparation of their reports on the implementation of United Nations human rights treaties and conventions to which Guinea-Bissau is a party.

23. In continuation of its support for capacity-building efforts in the judiciary and the Ministry of Justice, UNOGBIS, with financial support of the Embassy of the Netherlands, organized, from 22 October to 19 November in Bissau, a refresher course for 23 magistrates and 67 staff members of the Ministry of Justice and the office of the Attorney-General.

## VI. Coordination of the activities of the United Nations system in Guinea-Bissau

24. In carrying out the activities described in the present report, UNOGBIS and the other members of the United Nations system on the ground have worked closely together and with Guinea-Bissau's other international partners, in a common determination to strengthen the capacity of State institutions to function more effectively and to prevent conflict.

25. In an effort to further enhance coordination among them, UNOGBIS and the United Nations country team recently developed a "strategic vision" designed to assist Guinea-Bissau's peace-building process in the short to medium term. This comprehensive peace-building strategy integrates such programming concepts as the common country assessment and the United Nations Development Assistance Framework. The immediate goal is to help prevent the country from relapsing into armed conflict by addressing the root causes of its crises. To implement the strategy, a series of integrated, systemic and phased programme inputs in the political, social and economic spheres are envisaged and interlinked to reinforce each other and to help the Government to achieve three core objectives: accountable and transparent governance within the context of a broad-based participatory political framework; political and social stability that rests on equity and respect of human rights; and broad-based economic prosperity.

26. In the ensuing distribution of labour among the members of the United Nations country team, the United Nations Development Programme has taken the lead in designing rapid income yielding projects in collaboration with the Food and Agriculture Organization of the United Nations (FAO), the World Food Programme, the United Nations Population Fund (UNFPA) and the United Nations Children's Fund (UNICEF) to target the rural population, within the overall framework of promoting poverty alleviation. In the same manner, FAO has provided leadership in the thematic group composed of the World Bank, the World Health Organization, UNICEF, UNFPA and non-governmental organizations responsible for addressing the rehabilitation of rural infrastructure. In all cases, UNOGBIS continues to work with the other members of the country team to ensure a carefully coordinated, integrated and effective peace-building process.

## VII. Observations

27. The situation in Guinea-Bissau remains a source of deep concern. The great expectations and widespread optimism that accompanied the restoration of democracy nearly two years ago have failed to deliver the stability and progress the people wanted and justly deserve. Not only does the quest for national reconciliation remain a challenge, but the threat that even the modest democratic gains achieved so far can easily be reversed is dangerously real. I appeal once again to political actors at all levels to continue to resolve their differences through dialogue and within the framework of the Constitution.

28. The preservation and consolidation of peace would help to create conditions in which economic growth and an improvement in the living conditions of the people of Guinea-Bissau can take place. I therefore welcome the growing determination of regional leaders to contribute actively to the achievement of a level of accommodation among the political actors that would

help to restore stability and confidence. I also wish to reaffirm the commitment of the United Nations to work for a brighter future for the people of Guinea-Bissau, through the wide range of programmes carried out by members of the United Nations system and in cooperation with national, regional and other partners.

29. In this regard, while recognizing once again that a solution to the country's problems rests essentially in the hands of Bissau Guineans themselves, I wish to reiterate my appeal to the international community to remain engaged with and supportive of Guinea-Bissau, and specifically to contribute generously to the Round Table Conference, rescheduled for early 2002, to help to raise resources to meet both short and medium-term priorities. I am gratified, in this connection, that the Bretton Woods institutions are demonstrating flexibility and understanding in their continuing dialogue with the Government. I trust that the Government will, for its part, continue to work with the World Bank and IMF, as well as with its bilateral partners, to improve the country's economic and social prospects.

30. Finally, I wish to pay tribute to my Representative, Samuel Nana-Sinkam, and to the staff of the entire United Nations country team for their tireless efforts to help to keep the peace-building process in Guinea-Bissau on course, despite multiple challenges.

United Nations S/2001/1212

Security Council

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**Letter dated 14 December 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Namibia to the United Nations addressed to the President of the Security Council**

On instructions from my Government, I have the honour to forward to the Council Namibia's reaction to the report of the United Nations Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (see annex).

I should be grateful if you could kindly circulate it as a document of the Security Council.

(*Signed*) Gerhard **Theron**
Chargé d'affaires a.i.

01-70139 (E) 181201

## Annex to the letter dated 14 December 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Namibia to the United Nations addressed to the President of the Security Council

The Government of the Republic of Namibia refers to the letter dated 10 November 2001 from the Secretary-General to the President of the Security Council, transmitting the addendum to the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2001/1072).

The Panel of Experts was established by the Security Council with the mandate:

- To follow-up on reports and collect information on all activities of illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo, including in violation of the sovereignty of that country;
- To research and analyse the links between the exploitation of the natural resources and other forms of wealth in the Democratic Republic of the Congo and the continuation of the conflict;
- To revert to the Council with recommendations.

Namibia's support for the establishment and mandate of the Panel was and remains to help put an end to the plundering of the natural resources of the Democratic Republic of the Congo, which are being used to fuel the conflict. Our support stems from a deep desire to preserve the sovereignty and territorial integrity of the Democratic Republic of the Congo. The attempt, therefore, to weaken the findings of the main report will call into question the credibility of the Security Council. Furthermore, any relegation of the findings of the main report will have the effect of maintaining the status quo and ignore the relevant Security Council resolutions on the Democratic Republic of the Congo.

It is for these reasons that, on both occasions when the Panel visited Namibia, the Government of the Republic of Namibia rendered all necessary assistance and extended full cooperation in facilitating its meetings with all relevant government authorities as requested.

The Government of the Republic of Namibia, therefore, wishes to make the following corrections to the addendum:

1. In reference to paragraph 87, the Government of the Republic of Namibia strongly objects to the assertion that "the involvement of Namibia in the Democratic Republic of the Congo was based on a personal decision taken by President Sam Nujoma". Decisions of the Government of the Republic of Namibia are taken in accordance with procedures outlined in the Constitution of the Republic of Namibia and those were fully respected in the above-mentioned decision.

2. Namibia currently has 23 officers in the Democratic Republic of the Congo stationed in Kinshasa, for the monitoring of the Ceasefire Agreement on the Democratic Republic of the Congo.

3. Namibia's involvement in the Democratic Republic of the Congo was not motivated by any consideration of profit or promise for compensation. This was

made abundantly clear in paragraph 172 of the main report (S/2001/357) where, in reference to the involvement of Namibia in the Democratic Republic of the Congo, it is stated, inter alia, that "motivation seems to be solely political and strategic (for Angola)". Therefore, at no time did Namibia ask for compensation from President Laurent-Desiré Kabila as implied in the addendum.

4. It is also factually incorrect for the Panel of Experts to state that the Namibian soldiers remaining in the Democratic Republic of the Congo are there to protect the two or three Namibian diamond mines in the Tshikapa area. All the 23 Namibian officers who remained in the Democratic Republic of the Congo are based in Kinshasa at the SADC Allied Headquarters, and nowhere else as the addendum speculates.

5. Furthermore, as a signatory to the Lusaka Ceasefire Agreement, Namibia has six military officers in the Democratic Republic of the Congo serving as members of the Joint Military Commission and the Regional Joint Military Commission to monitor the full implementation of the peace process in the Democratic Republic of the Congo.

6. Namibia also does not operate any mines in the Democratic Republic of the Congo. The Tshikapa area where exploration was done by August 26-Congo, a subsidiary of August 26 Holding Company, has neither been exploited, nor were any mining proceeds extracted, or any production realized to claim profits, as suggested by the Panel of Experts in the addendum. It is therefore illogical to expect August 26 – Congo to register profits in the Namibian budget, when it has no mining activities in the Democratic Republic of the Congo.

The Government of the Republic of Namibia is committed to the implementation of all Security Council resolutions on the situation in the Democratic Republic of the Congo, in particular resolution 1304 (2000), and calls on all Member States to do likewise. While the international community should do all it can to stop the plundering of the natural resources of the Democratic Republic of the Congo, the sovereignty and territorial integrity of the Democratic Republic of the Congo should be respected.

The addendum is oblivious to the aggression committed against the Democratic Republic of the Congo and as such is silent on the non-withdrawal of the aggressor forces from the Democratic Republic of the Congo.

The Government of the Republic of Namibia reiterates its support for the recommendations contained in document S/2001/357 of 12 April 2001, and will reject any attempt to dilute those findings and recommendations.

(*Signed*) Theo-Ben **Gurirab**, MP
Minister

United Nations A/56/719–S/2001/1213

General Assembly
Security Council

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**General Assembly**
**Fifty-sixth session**
Agenda item 43
**The situation in Afghanistan and its implications for international peace and security**

**Security Council**
**Fifty-sixth year**

## Letter dated 18 December 2001 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

I have the honour to convey to you the text of the message of His Excellency Mr. Islam Karimov, President of the Republic of Uzbekistan, to the Secretary-General of the United Nations on the situation in Afghanistan (see annex).

I should be grateful if you would have the text of the present message circulated as a document of the General Assembly, under agenda item 43, and of the Security Council.

(*Signed*) Alisher **Vohidov**
Permanent Representative

01-70431 (E) 191201 191201

## Annex to the letter dated 18 December 2001 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

## Message from the President of the Republic of Uzbekistan to the Secretary-General of the United Nations

Uzbekistan fully supports the efforts of the United Nations to bring about peace and a stable situation in Afghanistan. The documents drawn up and adopted at the United Nations and also the decisions taken by the Six plus Two group on the situation in Afghanistan and the post-war reconstruction of that country, which formed the basis for Security Council resolution 1378 (2001) of 14 November 2001, are, first and foremost, of particular importance.

The resolution's five paragraphs, in our opinion, objectively meet the interests of all the warring, opposing sides in Afghanistan and, without any doubt, should become the principled basis for all subsequent agreements on forming a broadly representative, legitimate coalition government and, ultimately, for achieving stability in Afghanistan and establishing normal good-neighbourly relations between that country and neighbouring States in accordance with the principles and norms of international law.

Uzbekistan supports the agreements reached in Bonn at the United Nations conference on an internal Afghan settlement, and the establishment of a provisional administration headed by Hamid Karzai. We consider these agreements as the first step on the path of a peace process aimed at achieving a compromise between the opposing sides and forming Afghanistan's constitutional State structure on this basis.

At the same time, Uzbekistan, which borders directly with Afghanistan, views closely and with profound understanding the misfortunes and losses that became the fate of the long-suffering Afghan people. During the confrontation in Afghanistan, which has been continuing now for more than 20 years, an entire generation of people drawn into this bloody warfare has grown up. As a result of the protracted opposition, habitual mutual distrust, suspicion, and intolerance have come about in the relations between the sides representing various territorial, ethnic and religious forces. Taking into account all these factors, which have a negative impact on the situation in the country, one can clearly imagine the problems and difficulties that will arise on the path of establishing peace and stability in this State.

Objectively taking into consideration the real situation within and outside Afghanistan, Uzbekistan, like many other countries in the international community, is today undertaking all possible efforts and practicable steps to facilitate the provision of humanitarian assistance to the Afghan people for the purpose of speedily stabilizing the situation in that country. Approximately 6,000 tons of various humanitarian supplies not only of the United Nations, but also of other international humanitarian organizations, have recently been transported into Afghanistan from the territory of Uzbekistan.

The opening of the bridge over the Amu Darya river on 9 December 2001, which was carried out with the participation of representatives of the United Nations

and other international organizations, constituted a further step on the path of mitigating the difficult lot of the Afghan people, which is being aggravated by the severe conditions brought on by the arrival of winter.

The enormous arsenals of military equipment, weapons and ammunition that have been accumulated in Afghanistan during the years of warfare in that territory are one of the serious factors that might not only complicate and exacerbate the situation in the country, but also create conditions for new breeding grounds of local fighting. According to data provided by experts, millions of small arms and thousands of heavy weapons and other military equipment have accumulated in Afghanistan alone.

The fact that these arms remain at the disposal of various practically uncontrollable groups and armed units cannot but give rise to particular alarm. A large quantity of arms is in the hands of the civilian population.

It is important to realize that all this enormous mass of weapons may, for one reason or another, be taken up and used by the warring sides in order to settle international, inter-ethnic, religious and other differences, which, unfortunately, cannot for the time being be excluded.

Any armed confrontation can then lead to an escalation of the war in Afghanistan, with new turns in the course of events and in new forms, increase tension and destabilize the situation in the region as a whole.

We believe that a forwardly moving process of stabilizing the situation and restoring a peaceful life in Afghanistan must be accompanied by a solution to the problem of reducing and removing the enormous mass of weapons that have accumulated during the decades of warfare in Afghanistan, which will make it possible to establish the necessary prerequisites for preventing the further militarization of the situation in that country.

In view of what has been stated above, Sir, I request to you to approach the Security Council with an initiative aimed at considering and adopting a corresponding decision on this matter.

(*Signed*) I. **Karimov**
President of the Republic of Uzbekistan

United Nations S/2001/1214

Security Council

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18 December 2001

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**Letter dated 14 December 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Zimbabwe to the United Nations addressed to the Secretary-General**

Upon instructions from my Government, I have the honour to forward the final communiqué of the Southern African Development Community Ministerial Task Force on Developments in Zimbabwe (see annex). The communiqué is being forwarded to counter misleading and unsubstantiated observations concerning Zimbabwe raised in the addendum to the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (see S/2001/1072).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Misheck **Muchetwa**
Chargé d'affaires a.i.

01-70407 (E) 201201

**Annex to the letter dated 14 December 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Zimbabwe to the United Nations addressed to the Secretary-General**

**Final communiqué of the Southern African Development Community Ministerial Task Force on Developments in Zimbabwe**

1. The SADC Ministerial Task Force on Developments in Zimbabwe met in Harare, Zimbabwe on 10-11 December 2001 at the invitation of Honourable Dr I.S.G. Mudenge, Minister of Foreign Affairs of Zimbabwe. The meeting was convened pursuant to the decision by the Summit Task Force on Developments in Zimbabwe which mandated Ministers to work with the Government of Zimbabwe with a view to assisting the latter in finding solutions to the economic and political issues affecting the country.

2. The meeting was chaired by Honourable Lilian E. Patel, Minister of Foreign Affairs and International Cooperation of Malawi, who is also the Chairperson of the SADC Council of Ministers. The following Ministers attended the meeting:

| | |
|---|---|
| Angola | Hon. Toko Diakenga Serao<br>Deputy Minister, Ministry of External Relations |
| | Hon. Gaspar S. Rufino<br>Vice Minister, Ministry of Defence |
| | Hon. Zacarias Sambeni<br>Deputy Minister, Ministry of Agriculture |
| Botswana | Hon. Mompati Merafhe<br>Minister of Foreign Affairs |
| Malawi | Hon. R.T.C. Munyenyembe<br>Minister of Defence |
| Mozambique | Hon. Francisco Caetano Madeira<br>Minister in the Office of the President responsible for Parliamentary and Diplomatic Affairs |
| | Hon. Hipolito Patricio<br>Deputy Minister, Ministry of Foreign Affairs and Cooperation |
| Namibia | Hon. Tuliameni Kalomoh<br>Deputy Minister of Foreign Affairs, Information and Broadcasting |

| | |
|---|---|
| South Africa | Hon. Membathisi Mdladlana<br>Minister of Labour |
| Zimbabwe | Hon. Dr. I.S.G Mudenge<br>Minister of Foreign Affairs |

3. Hon. Dr. I.S.G. Mudenge, the Minister of Foreign Affairs of Zimbabwe, warmly welcomed the Task Force members and indicated that they had been invited to see and hear how Zimbabwe has approached the question of land reform, and how far they had gone in implementing the commitments they made at Abuja as well as progress made since the Summit Task Force meeting held in September 2001. In this context, Hon. Mudenge informed the meeting that the fast-track land resettlement programme that deals with communal land (A1) is basically concluded. The programme had now moved to the implementation of the A2 model which deals with commercial land, and that the programme of delisting farms was continuing.

4. Hon. Mudenge indicated that the commitments made by the Government of Zimbabwe at Abuja were being implemented and that interaction with the UNDP was underway.

5. In her statement to the meeting, the Chairperson, Hon. Lilian Patel observed that land is a critical and sensitive issue worldwide, and that land reform and redistribution are requisites for any country's survival and development. Hon. Patel underscored the centrality of land to any meaningful programme of empowerment and to the socio-economic development prospects of the entire SADC Region. She indicated that rather than mediating between the parties, the mandate of the Task Force was to facilitate dialogue amongst stakeholders with a view to assisting in charting the way forward. Hon. Patel emphasized that the SADC initiative is aimed at complementing similar efforts such as the Abuja initiative. She stressed that the full cooperation and goodwill of all stakeholders within and outside Zimbabwe was essential for the success of this initiative.

6. Ministers received a briefing from the Government of Zimbabwe on the actions taken to implement the Abuja Agreement, and welcomed the improved atmosphere of calm and stability. They encouraged the Government of Zimbabwe to continue to embark on its positive actions, and called on all stakeholders to support these actions to further reduce tensions. Ministers urged the Government and stakeholders to firmly establish dialogue which was necessary for national confidence and consensus building.

7. Ministers also received a briefing from the Government of Zimbabwe on progress made in implementing the decisions of the SADC Summit Task Force held in September 2001. In this regard, they were gratified to learn that violence on the farms had reduced significantly, and that the few reported incidents were being dealt with under the criminal justice system, in accordance with the rule of law, irrespective of the political affiliation of the alleged perpetrators. Ministers welcomed the decision of the Supreme Court made in November 2001, declaring that the Land Reform and Resettlement Programme was lawful and in accordance with the laws and constitution of the country.

8. Ministers received a progress report on the implementation of the Land Resettlement and noted that farming activities on both communal and commercial land had intensified. The meeting was also informed of the criteria and procedures adopted for land acquisition and allocation, and figures on the number of beneficiaries were presented

9. Ministers welcomed the commitment by the Government of Zimbabwe to free and fair Presidential elections scheduled to be held before 31 March 2002. In this regard, they also welcomed the legislative and other mechanisms the Government was putting in place to guard against violence and to ensure transparency, which included allowing party agents to monitor the voting process from the beginning up to the vote counting stage.

10. The meeting noted that according to the Electoral Act and Zimbabwe's Constitution, the only body empowered to manage and monitor elections was the Electoral Supervisory Commission. The election monitors will be drawn from the Zimbabwe public service. The meeting also noted that Zimbabwe had no objection to the presence of invited international observers, and that invitations will be issued once the election date has been fixed.

11. Ministers expressed their concern at distorted and negative perceptions of Zimbabwe projected by the international and regional media, and appealed to all concerned to adopt a culture of objectivity, fairness and balance in the discussion of, and reporting on Zimbabwe. Ministers requested Zimbabwe to supply them with factual information and provide briefings on a regular basis to enable them to assist in correcting the negative perceptions.

12. Ministers accepted Zimbabwe's invitation for SADC to witness the Zimbabwe/EU dialogue under Article 96 of the ACP/EU Partnership Agreement, alongside the ACP and the OAU. They expressed the hope that the dialogue would, in practice, prove to be a true dialogue between

partners where negative outcomes would be explicitly precluded from the outset, in keeping with the letter and spirit of Article 96, and of the Partnership Agreement as a whole.

13. Ministers were concerned about the slow pace of dialogue between Zimbabwe and Britain which had not resulted in the anticipated flow of financial resources in support of the land reform programme as agreed in Abuja. They, therefore, urged both parties to intensify dialogue in a spirit of mutual understanding with a view to achieving lasting and sustainable results to the land reform programme.

14. With regard to the establishment of a Multi Party Parliamentary Committee as recommended by the Summit Task Force, it was noted that although this had not been established, mechanisms were already in place for parties to interact in the context of several Parliamentary Portfolio Committees. Ministers encouraged all parties to make effective use of these Committees and to endeavour to dialogue on issues of national importance outside the confines of parliament as well.

15. Ministers noted that a UNDP assessment mission had spent three weeks in the country and held consultations with Government and various stakeholders. They also noted that the mission also undertook several field visits to assess the situation on the ground and is expected to present its report in the near future. Ministers expressed their eagerness that the report be completed as soon as possible, as it is hoped that it will assist not only in addressing the issues of assistance to resettled farmers and compensation to farm workers, but also in the provision of the much needed social and economic infrastructure on the farms.

16. Recalling the 2000 SADC Summit decision opposing sanctions against Zimbabwe, Ministers reiterated SADC's opposition to the imposition of sanctions against Zimbabwe as this would not only hurt citizens of the country, but would also have profound implications on the region as a whole. Ministers therefore, called upon all concerned countries to refrain from imposing sanctions such as the Zimbabwe Democracy and Economic Recovery Bill, and opt for dialogue.

17. Ministers received presentations from the following stakeholders:

a) Farmers Union:
   - Commercial Farmers Union
   - Zimbabwe Farmers Union
   - Zimbabwe Joint Resettlement Initiative

b) War Veterans

c) Chiefs

d) Churches

e) General Agriculture and Plantation Workers Union

e) Political Parties:
ZANU (PF)
MDC

f) Business Associations:
- Affirmative Action Group
- Confederation of Zimbabwe Industries

g) Media Representatives:
- Public Media
- Private Media

18. In their presentations, the stakeholders were generally in agreement that land was at the core of the problems facing the country and that the Land Resettlement Programme was necessary and had reached a point of no return. In this regard, Ministers called upon the international community to assist Zimbabwe in the implementation of the programme. Ministers noted that the two major political parties also agreed in principle with the need for land reform and that differences were on methodology.

19. The stakeholders were also generally in agreement that there had been a decrease in the incidence of violence, although there were still pockets of criminal activities which were being dealt with in accordance with the laws of Zimbabwe. Ministers commended both the ZANU PF and MDC for the education programmes they were pursuing to discourage their members from engaging in violence.

20. The Zimbabwe Farmers Union welcomed the recent amendments to the Land Acquisition Act as a positive and constructive move. However, the Commercial Farmers Union felt that the amendment of the Act had been effected without adequate consultations with them, and that this had made commercial farmers feel vulnerable and exposed to displacement.

21. Ministers also noted the concerns raised by other stakeholders with regard to the effect of land acquisitions on the welfare of farm workers. Ministers urged the Government to ensure that the interests of farm workers are taken into account in the implementation of the Land Reform Programme.

22. Ministers appealed to SADC Member States and the business community in the region to support Zimbabwe's business community, and in particular its attempts to secure credit and foreign exchange for the normal conduct of business.

23. Ministers expressed their sincere gratitude to President Robert Mugabe for finding time out of his busy schedule to interact with them. They also thanked the Government and people of Zimbabwe for the warm hospitality and the stakeholder representatives for their valuable contributions.

**Harare, Zimbabwe**
**11 December 2001**

United Nations S/2001/1215

Security Council

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# Report of the Secretary-General on the humanitarian implications of the measures imposed by Security Council resolutions 1267 (1999) and 1333 (2000) on the territory of Afghanistan under Taliban control

## I. Introduction

1. In paragraph 15 (d) of its resolution 1333 (2000) of 19 December 2000, the Security Council requested me to report periodically on the humanitarian implications of the sanctions on the territory of Afghanistan under Taliban control and to present a comprehensive report on this issue no later than 30 days prior to the expiration of the measures imposed by the resolution. The present report is submitted pursuant to those requests.

2. Since the adoption of resolution 1333 (2000), I have submitted three reports (S/2001/241, S/2001/695 and S/2001/1086). In the last report, I informed the Security Council of the changed circumstances in the monitoring and assessment process.

3. The latest political developments and the formation of an interim government for Afghanistan have fundamentally affected the framework under which sanctions were adopted. The measures imposed by the Security Council in resolutions 1267 (1999) and 1333 (2000) are targeted against the Taliban, assets and undertakings owned or controlled by them, and individuals and entities associated with them. With the collapse of the Taliban most sanctions measures appear to have no focus. Therefore, I am currently not in a position to submit any further assessment in addition to the reports cited in paragraph 2 above; only some summary remarks concerning the monitoring and assessment process and its findings are contained in the present report, together with some observations which the Security Council may wish to take into account in considering future sanctions regimes.

## II. Monitoring methodology

4. The methodology for the monitoring and assessment described in my first report (S/2001/241) proved to be appropriate. The main difficulty was to distinguish between the effects of sanctions and other factors that influenced the humanitarian situation in Afghanistan. Specific case studies, in areas such as civil aviation and transport safety or the availability of essential drugs, investigated the link between the deterioration in the humanitarian situation and the individual sanctions measures. They followed the chain of causality and tested whether any deterioration

01-70395 (E) 181201

in the humanitarian situation occurred and whether this was attributable to the sanctions regime or to other causes.

## III. Humanitarian implications of the sanctions measures

5. The sanctions imposed by resolutions 1267 (1999) and 1333 (2000) are limited in scope and targeted at specific individuals, entities and activities. As noted in my previous reports, the sanctions measures had consequently only limited adverse effects on the humanitarian situation. The main causes of human suffering in Afghanistan were and still are the armed conflict, the three years of unprecedented drought and widespread human rights abuses.

6. The sanctions regime as a whole however did have a generalized impact on aspects of the economy and therefore indirectly also on the humanitarian conditions. An example was the negative effect on the regional investment climate and local business confidence. The sanctions regime also became one of the major grudges that the Taliban held against the United Nations. The sanctions measures affected the relationship between the international humanitarian community and the Taliban authorities and had a negative effect on the operating environment for humanitarian agencies.

## IV. Observations and recommendations

7. The frequent and efficient communication and interaction between the Committee established pursuant to resolution 1267 (1999), the Office for the Coordination of Humanitarian Affairs of the Secretariat and the humanitarian programmes in the field facilitated the effective handling of the humanitarian exemption procedure and functioned as a troubleshooting mechanism for humanitarian problems linked to the sanctions regime. Throughout the monitoring process the exemption procedures worked well and in a timely and efficient manner.

8. During the whole monitoring period the Taliban authorities maintained an active public information campaign within Afghanistan against the United Nations sanctions regime. They condemned the measures and blamed them for the deterioration in the prevailing humanitarian situation. That campaign involved Taliban-controlled radio, newspapers and mosques. The United Nations had limited or no means to sensitize the population inside Afghanistan to the decisions of the Security Council, and was not in a position to counter those public misrepresentations or to project an objective perspective on the role and scope of the sanctions. This contributed to the widespread belief that the measures did indeed hurt the population. Future sanctions regimes should give careful consideration to devising ways and means of providing the affected population with objective information on the specific nature of sanctions.

9. The established monitoring and assessment mechanism and the regular reviews of the impact of the sanctions as well as the subsequent briefings and consultations with the Security Council and its sanctions Committee have resulted in useful reflections and discussions on sanctions and their implications. The Security Council may wish to consider establishing such a procedure for future sanctions regimes to monitor and assess possible unintended negative effects on the civilian population of the targeted countries.

United Nations S/2001/1216

Security Council

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## Draft resolution

*The Security Council,*

*Recalling* its previous resolutions and the statements of its President concerning the situation in Sierra Leone, and in particular its resolutions 1132 (1997) of 8 October 1997, 1171 (1998) of 5 June 1998, 1299 (2000) of 19 May 2000 and 1306 (2000) of 5 July 2000,

*Affirming* the commitment of all States to respect the sovereignty, political independence and territorial integrity of Sierra Leone,

*Welcoming* the significant progress made in the peace process in Sierra Leone, including in the disarmament, demobilization and reintegration programme, and the efforts of the Government to extend its authority over the diamond-producing areas, with the assistance of UNAMSIL, but noting that it has not yet established effective authority over those areas,

*Expressing* its continued concern at the role played by the illicit trade in diamonds in the conflict in Sierra Leone,

*Welcoming* General Assembly resolution A/RES/55/56 of 1 December 2000, as well as ongoing efforts by interested States, the diamond industry, in particular the World Diamond Council, and non-governmental organizations to break the link between illicit trade in rough diamonds and armed conflict, particularly through the significant progress made by the Kimberley Process, and encouraging further progress in this regard,

*Welcoming* the establishment of a certification regime in relation to Guinea's exports of rough diamonds and the continued efforts of the Economic Community of West African States (ECOWAS) as well as West African countries towards developing a region-wide certification regime,

*Emphasizing* the responsibility of all member States, including diamond importing countries, for fully implementing the measures in resolution 1306 (2000),

*Taking note* of the views of the Government of Sierra Leone on the extension of the measures imposed by paragraph 1 of resolution 1306 (2000),

*Determining* that the situation in Sierra Leone continues to constitute a threat to international peace and security in the region,

*Acting* under Chapter VII of the Charter of the United Nations,

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1. *Welcomes* the establishment and implementation of the Certificate of Origin regime for trade in diamonds in Sierra Leone, and the export of rough diamonds from Sierra Leone certified under that regime;

2. *Welcomes* reports that the Certificate of Origin regime is helping to curb the flow of conflict diamonds out of Sierra Leone;

3. *Decides* that the measures imposed by paragraph 1 of resolution 1306 (2000) shall remain in force for a new period of 11 months from 5 January 2002, except that, pursuant to paragraph 5 of resolution 1306 (2000), rough diamonds controlled by the Government of Sierra Leone under the Certificate of Origin regime shall continue to be exempt from these measures, and affirms that, in addition to its six-monthly review in accordance with paragraph 15 of resolution 1306 (2000), at the end of this period it will review the situation in Sierra Leone, including the extent of the government's authority over the diamond-producing areas, in order to decide whether to extend these measures for a further period and, if necessary, to modify them or adopt further measures;

4. *Decides also* that the measures imposed by paragraph 1 of resolution 1306 (2000) as extended by paragraph 3 above, shall be terminated immediately if the Council determines that it would be appropriate to do so;

5. *Requests* the Secretary-General to publicize the provisions of this resolution and the obligations imposed by it;

6. *Decides* to remain actively seized of the matter.

United Nations S/2001/1217

# Security Council

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## Letter dated 19 December 2001 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

I attach a copy of a letter sent today from Jack Straw, Secretary of State for the Foreign and Commonwealth Office, addressed to the Secretary-General.

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**

01-70560 (E) 191201

## Annex to the letter dated 19 December 2001 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland addressed to the Secretary-General

The United Kingdom warmly welcomes the key role that the United Nations has played in helping to promote new political and security structures in Afghanistan. We would like to congratulate you and Ambassador Brahimi for your tireless efforts, which led to the signing of the Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions (Bonn Agreement) (see S/2001/1154).

I am now writing to inform you that the United Kingdom is willing to become the initial lead nation for the International Security Assistance Force for Kabul and its surrounding area under the terms of annex I to the Bonn Agreement.

As stated in annex I, the responsibility for providing security and law and order throughout Afghanistan resides with the Afghans themselves. The International Security Assistance Force will assist the interim Afghan administration in the maintenance of security for Kabul and its surrounding areas. Our proposal is based on the willingness expressed to receive such a force and an authorizing Security Council resolution.

The United Kingdom is prepared to serve as the initial lead nation for a period of approximately three months for this multinational operational deployment, acting with the authority of the United Nations. It will transfer responsibility as the lead nation three months from the declaration of initial operational capability and no later than 30 April 2002. The United Kingdom thus requests you to support efforts to identify a successor lead nation by asking Member States to consider urgently the possibility of taking over as the next lead nation.

The core mission of the force in the initial phase would be to assist in the maintenance of security as envisaged in annex I to the Bonn Agreement. We envisage that the tasks of the force could include:

- Liaison with the new interim administration in Afghanistan to help its establishment and with the Special Representative of the Secretary-General;
- Advice and support to the interim administration and to the United Nations and its personnel in Kabul on security issues;
- Scoping future requirements for helping the Afghan authorities in the establishment and training of new Afghan security and armed forces, key infrastructure development tasks and possible future expanded security assistance in other areas of Afghanistan.

The International Security Assistance Force will have a particular mission authorized by a Security Council resolution that is distinct from Operation Enduring Freedom. The United Kingdom, as the lead nation, will exercise command of the International Security Assistance Force. It will include the troops and equipment contributed by other nations and will have the support of the United States.

In respect of the relationship between the International Security Assistance Force and forces operating in the Afghanistan theatre under Operation Enduring Freedom, and for reasons of effectiveness, the United States Central Command will have authority over the International Security Assistance Force to deconflict

International Security Assistance Force and Operation Enduring Freedom activities and to ensure that International Security Assistance Force activities do not interfere with the successful completion of Operation Enduring Freedom.

A joint coordinating body will be developed with representatives from the United States Central Command, the Afghan interim administration and the International Security Assistance Force to deal with operational issues.

To ensure effective political-military coordination, the International Security Assistance Force will establish a committee of contributors with the lead nation as the chair. As the initial lead nation, the United Kingdom will report regularly to the Security Council on developments.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Jack **Straw**